IN SEARCH OF NATION: THE POLITICAL IDENTITY AND SOCIAL MOBILIZATION OF KENYA'S MAASAI

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CHAPTER 1

INTRODUCTION

"When people tell you that there is nothing inherently wrong with tribes, what they are really saying is that they lack the courage to leave the familiar embrace of inclusion that allows them to "other" their neighbours or to disparage their perceived own in ways that they imagine to be very progressive. They are nervous about the unknown and can't imagine any other way of seeing the world except through the fractured lens of tribe."[1]

"There *is* a crisis in Maasailand. It is intentional because how else could the government continue the exploitation of the Maasai people. It is tantamount to genocide."[2]

1.1 Statement of the Problem

In the absence of a state that acts as an impartial arbiter in inter-group competition for power and resources or one that establishes the rules of the game and distributes rewards and punishments equitably, ethnicity and ethnic identity have come to play a central role in Kenyan politics. Instances of ethnically-motivated violence such as that which engulfed Kenya after the 2007 presidential elections may lead one to assume that ethnic identity and ethnic mobilization presume a level of overt violence within society when in practice the implications are often more subtle. In Kenya, as in many African countries, ethnicity has been historically used to resolve the central issue of politics, which according to Harold Lasswell is defined

[1] Joyce Nyairo, "Ethnic identities are imagined entities and it is time we fashioned new ones," *Daily Nation*, August 2, 2012.
[2] Interlocutor F

as "who gets what, when, how."[3] In other words, ethnic origin rather than merit becomes the primary determinant of one's ability to access the stuffs of the state. As a consequence, ethnicity plays a dominant role in politics as an instrument of social mobilization. As Francois Nielsen suggests, the mobilization of the members of a particular ethnic group "means that they allocate some of their resources, such as time, energy, money, votes, psychological commitment and physical courage, to the collective effort" of the ethnic group. [4]

Though there is an expansive literature on the role of ethnicity in politics, particularly in the African context, there have been few attempts to understand the complex nature of ethnic identity and ethnic solidarity through context-specific investigations that highlight the perspectives and experiences of historic and contemporary cultural, economic, and political factors which often reinforce social mobilization and political participation along ethnic lines. This is particularly true of smaller ethnic groups who seek greater participation and engagement in the political and economic spheres of society. The Maasai of Kenya make an interesting case study of ethnic social movement. As one of the smallest ethnic groups in Kenya, the Maasai have a long tradition of social mobilization and political claim-making based on a history of land dispossession, and economic, social, and cultural marginalization.[5] Though the Maasai population spans the region of southern Kenya and northern Tanzania, Kenyan Maasai are often viewed as being more politically

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[3] Harold Dwight Lasswell, "Who gets what, when, how," in *The Political Writings of Harold D. Lasswell*. (Glencoe, IL: Free Press, 1951).

[4] Francois Nielsen, "Toward a Theory of Ethnic Solidarity in Modern Societies," *American Sociological Review*, 50, No. 2 (April 1985), 137.

[5] The Maasai make up less than 2% of the population in Kenya. Source: CIA, UK Foreign Office, accessed from http://news.bbc.co.uk/2/hi/africa/7215673.htm on January 10, 2013.

active and better socially mobilized than Tanzanian Maasai.[6] Dorothy Hodgson suggests that some of the differences in social mobilization between Kenyan and Tanzanian Maasai may be attributed to the specific experiences of colonialism and early state formation, and in particular, the way the concept of property rights emerged in the respective states.[7] Yet, few studies have examined the process by which ethnic identity and social mobilization is used by the Maasai in their interactions with the Kenyan political system. The current political environment in Kenya presents an important opportunity to examine the factors that influence the Maasai's political mobilization, including those factors that may reinforce the use of ethnicity as an instrument for political engagement.

1.2 Objective of Thesis

This study seeks to understand the factors that have contributed to the formation of the Maasai ethnic identity and social mobilization in Kenya. Through the use of a methodology that employs interviews and ethnographic work with the Maasai of Kenya, this research brings to light the perspectives, experiences, attitudes and ideologies that drive collective social action within the Maasai community, and the strategies and action repertoires that characterize Maasai political movement in Kenya. It is hoped that this study will shed light on the factors that work to reinforce ethnic solidarity, and ethnically-based social mobilization and political claim-making among the Maasai. Here I follow Nielsen's working two-prong definition of ethnic solidarity:

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[6] Dorothy L. Hodgson, *Being Maasai, Becoming Indigenous* (Bloomington IN: Indiana University Press, 2011), 52-53.
[7] Ibid, p. 53.

1. the formulation of specific goals or claims defined by the membership of the ethnic group as opposed to, or in contradistinction with, other groups in the society;
2. a degree of ideological and organizational mobilization of group membership for the implementation of these claims.[8]

My primary research question is simply: Why do the Maasai engage in social mobilization on the basis of ethnic group claims? Secondary research questions include: What factors contributed to the making of the Maasai ethnic identity? What are the historical and contemporary economic, social, cultural and political factors that underscore ethnically-based political claim-making among the Maasai in Kenya? What attitudes are held within the Maasai community on issues pertaining to the Kenyan state, citizenship, and political representation? Considering the adoption of a new constitution in 2010 which called for greater representation of minority groups and a radical devolution of power to newly formed counties, I also seek to understand how this moment in time is experienced by the Maasai as well as how the current political environment fits into the broader history of marginalization lived by the Maasai people.

1.3 Ethnicity, Ethnic Politics and Democracy in the Literature

A key component of this project is to consider the ways ethnic solidarity may be mobilized within the Maasai community as a strategy for participation in Kenya's multi-ethnic democracy. The challenge was thinking about how to approach this

[8] Nielsen, 1985, p. 136.

study given the considerable breadth of literature dealing with issues of ethnicity and ethnic mobilization, and the inherent problems associated with defining a singular Maasai ethnic community. In other words, how would I define the *Maasai* social movement? What are the boundaries between Maasai and other groups, and who or what factors determine those boundaries? Moreover, because what it means to be Maasai may be ever-shifting and evolving, any social mobilization or political claims by individuals or groups identifying themselves as Maasai may not be quantifiable or stable. In thinking about these issues I turned to a broad literature dealing with ethnicity, ethnic boundary-making, nation and nationhood, and the production of difference.

Ethnicity itself is a problematic term. Barth (1969) argued for rethinking our understanding of ethnicity by challenging earlier notions that viewed ethnic groups as objective categories possessing rigidly defined, stable and measurable characteristics. Instead, Barth argues that ethnic boundaries are often fluid and unstable, emerging through interactions between 'actors' as distinctions are drawn within and between groups. Like Barth, Kasfir (1979) is also concerned with the construction of ethnic identity. Kasfir argues that identity, including ethnic identity, is best viewed as a product of individual rationalizations, perceptions and experiences that act as "causal factors" compelling individuals to prefer a particular social identity within a particular social situation.[9] In this way, ethnicity is but one of many possible identities that serve as a rallying point for social mobilization and political action. Often, Kasfir suggests, the reaction of *others* to an individual or

[9] Nelson Kasfir, "Explaining Political Participation," *World Politics* 31, No. 3 (1979): 366.

group's assertion of ethnic affiliation is equally important in forming an ethnic political identity. He argues:

> It may seem unduly restrictive to require both insiders and outsiders to share a perception of ethnic membership before labeling participation as ethnic. But since self-perception and external perception affect one another in most instances, widespread agreement can often be achieved on membership boundaries. [10]

For Kasfir, the greatest challenge in the study of ethnic political identity is coming to terms with the shifting and subjective nature of ethnic categories and the ways they are constructed and activated. He notes for instance that while an individual may make political claims based on a particular ethnic category at a particular time and place, that does not suggest that they will continue to assert that ethnic identity as the basis for political claims in other places and at other times. In fact, because identity itself is fluid, we may find that it shifts from an ethnic category to other identities of class, religion, nation, etc. If we accept that the "identities people assume are both multiple and intermittent," it is crucial that the researcher consider the "*situation* that activates the particular identity the individual chooses."[11] The central point for Kasfir is that the study of ethnicity always entails situational analysis. He suggests that even when shared perception permits sufficient social solidarity to "turn individuals assigned to an ethnic category into an *active* ethnic group…the likelihood of social solidarity being channeled into participation depends on the *opportunities* created by the specific political situation."[12] Moreover,

[10] Kasfir, 1979, p. 370.
[11] Ibid, p. 372, italics added.
[12] Ibid, p. 366, italics added.

the emergence and coalescence of an ethnic group in any given situation should not be construed as evidence of the presence or absence of a "continuous subculture."[13]

Brubaker (2002) further develops this idea by suggesting that we move beyond thinking of ethnicity as simply constructed and seek to specify *how* it is constructed. Brubaker argues that we must reject the tendency to utilize conceptions of "ethnic groupism" which treats ethnic groups as internally homogenous and externally bounded, collective actors with a common purpose. Within this context, Brubaker argues, ethnicity is best conceptualized as not a "thing in the world" but a "perspective on the world."[14] Therefore, as researchers we must seek to understand the moments in which ethnic identity emerges and ethnic group boundaries crystalize. By adjusting our conceptual lenses to see ethnicity as a "happening," rather than an entity, we are able to shift our attention from the study of *groups* to the study of *groupness* (i.e., the making of the group).[15]

This cognitive turn is crucial to the researcher who seeks to understand ethnic political mobilization because it allows us to "take account of—and potentially, to account for—phases of extraordinary cohesion and moments of intensely felt collective solidarity, without implicitly treating high levels of *groupness* as constant, enduring or definitionally present."[16] Within this cognitive frame, the work of the researcher is to understand how and why ethnic and national categories take on meaning in daily life, inspire solidarity, and animate groups into collective action.[17]

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[13] Ibid, p. 388.

[14] Rogers Brubaker, "Ethnicity Without Groups," In *Ethnicity Without Groups*, Selected Works of Rogers Brubaker. (University of California, Los Angeles, 2002), 174-175. Accessed at http://works.bepress.com/wrb/7.

[15] Ibid, p. 168.

[16] Ibid, pp. 168, italics added for emphasis.

[17] Ibid, pp. 178-179.

We can also examine the circumstances that contribute to the manifestation of ethnic *groupness* and the group-making process. If ethnicity is but one of many identities that manifest in *groupness*, then we must seek to understand the perceptions, interpretations, representations, categorizations and identifications that contribute to this identity formation. According to Brubaker, our analysis must include "ethnicized ways of seeing (and ignoring), of construing (and misconstruing), of inferring (and misinferring), of remembering (and forgetting)." [18]

By examining group-making as a social project, we may attune to *moments* of intense ethnopolitical conflict, when ethnic identity and ethnic groupness crystalize and are animated into action. Equally important, according to Brubaker, is the identification of times when ethnic groupness may *not* happen and times when "high levels of groupness fail to materialize."[19] This allows us to understand the factors contributing to the manifestation of ethnic group action, and prevents us from assuming an "over-ethnicized view of the social world."[20]

Since the group making process happens within a particular social situation, it is also important that we consider the interactions and engagements between ethnic groups and the institutions of the state. The literature on minority rights, inclusion, exclusion, and production of difference is also helpful in understanding how groups on the periphery of society negotiate their position and construct political claims to resolve longstanding cultural and structural inequality. This aspect of the broad literature aids in our understanding of the power dynamics of democracies and how issues of nationalism engage with notions of group identity.

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[18] Brubaker, 2002, pp. 174-175.
[19] Ibid.
[20] Ibid, pp. 168 and 170.

Though it may be expedient to focus on the cultural claims made by ethnic minority groups, Young (2000) argues that often group-based movements, even those which incorporate cultural claims, are derived not from cultural difference per se, but from "relatively constituted structural differentiations."[21] Young suggests that the literature on social inclusion and exclusion too often view ethnic and minority movements as concerned primarily with achieving cultural recognition. Yet, often where claims to cultural recognition do exist they are employed as a means to correct "domination and wrongful deprivation" of ethnic minority groups.[22]

Young also argues that we must be concerned with the "specificity of group difference" out of which social movements arise. In particular, she suggests that the "primary form of social difference" is best conceptualized through a *relational* logic rather than a *substantive* logic assumed in most notions of group identity. Young writes,

> The primary form of social difference to which the movements respond, moreover, is structural difference, which may build on but is not reducible to cultural differences of gender, ethnicity or religion. Social structures often position people unequally in processes of power, resource allocation, or discursive hegemony.[23]

The problem for Young is that often when the literature discusses the politics of cultural difference, the complex social processes of marginalization and racism are obscured. "What is at stake in many of these conflicts," according to the author, "is not simply freedom of expression and association, but substantively equal

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[21] Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), p. 7-13.
[22] Ibid, p. 83.
[23] Ibid, pp. 86-87.

opportunity for individuals from marginalized groups to develop and exercise their capacities, and to have meaningful voice in the governance of the institutions whose roles and policies condition their lives."[24] Therefore, the political claims being made by individuals and groups espousing ethnic group identity must always be contextualized and historicized within a broader context of economic, political, social and institutional realities. Young cautions that when cultural difference dominates the political discourse on group difference, including ethnic group difference, these "positional issues are harder to raise and discuss."[25] Kasfir (1979) also acknowledged the problem of competing claims, noting that, "even where ethnic symbols are merely the façade for economic grievances, they often structure the political situation and thus affect the outcome."[26]

In the post-colonial African context, the construction of political identities must also be understood as a consequence of the history of state formation. Mamdani (2001) argues that the formation of contemporary political identities often began in the colonial period where the application of different forms of legal personhood was part of the construction of difference, first in racial terms (between Europeans and Africans), then in ethnic terms (between African ethnic groups). Mamdani further argues that often the movement for independence actually contributed to the perpetuation of the colonial legacy of ethnic division as new African leaders adopted the very same institutions of subordination and ethnic division first introduced by colonial rulers.[27] Of particular importance to the author

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[24] Ibid, pp. 81-82.

[25] Ibid.

[26] Kasfir, 1979, p. 369.

[27] Mahmood Mamdani, "Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism," *Comparative Studies in Society and History*, 43, No. 4 (2001), 657.

are conditions that define one's relationship to the institutions of the state based on their "legally defined and inscribed" ethnic affiliation.[28] With this recognition, Mamdani challenges the notion that state formation and the nation-building process in post-colonial Africa must aspire to the formation of a liberal state which abides by principles of ethnocultural neutrality.[29] Instead, he suggests that we must carefully historicize our study of the post-colony to reflect the formation of a *particular* type of state and citizen.

Of particular concern to the study of ethnicity in the African context are the ways ethnic group affiliation may contribute to the phenomenon of "divided loyalties" and "dichotomy of citizenship."[30] Ndegwa (1997) examines the emergence of ethnic and national alliances in Kenya's post-colonial democracy, arguing that citizens often hold "multiple and shifting identities" and "competing visions of political community and of citizenship" which are influenced by, and in turn served to frame "the conflict over what institutions are appropriate to structure democratic politics in the multi-ethnic state."[31] In particular, Ndegwa argues that the transfer of political allegiance from ethnic community to the new national political community has been delayed in many parts of Kenya, particularly among ethnic minority groups such as the Maasai, because they were largely excluded from the state making process, and could "only remotely influence the dynamics at the center." [32]

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[28] Ibid, p. 663.

[29] Will Kymlicka, "The new debate on minority rights in multiculturalism and political theory," In *Muticulturalism & Political Theory*, eds. Anthony Simon Laden and David Owen. (New York: Cambridge University Press, 2007).

[30] Stephen Ndegwa, "Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenyan Politics," *The American Political Science Review*, vol. 91, No. 3 (1997), 599-616.

[31] Ibid, pp. 604-606.

[32] Ibid, p. 607.

In understanding the meanings of political allegiance and citizenship in post-colonial Kenya it is also crucial to locate citizen and group within the context in which the country's multi-ethnic democracy was formed. According to Ndegwa, the immediate post-independence period of party formation contributed to stratified citizenship. The predominance of the "single leader" party politics in Kenya relied heavily on the personality and ethnic affiliation of the party leader. Ndegwa writes that this single leader provided the "intellectual and financial patronage who drew a core of founders linked more by personal ties forged in the ethnic arena than by ideological commitment. This core group relied on family, clan, and ethnicity as the initial scaffolding for the party infrastructure." [33] As Mamdani might suggest, the centrality of family, clan and ethnic group to the making of patronage systems was deeply rooted in the colonial experience. In Kenya, colonial policies greatly restricted African political engagement to the local areas, which were largely ethnically homogenous and closed to outsiders.[34] While Ndegwa argues that the transfer of political allegiance to the post-colonial state was less threatening for the "larger ethnic groups," such as the Kikuyu and Luo—a contention I will address more seriously in the concluding chapter—he also acknowledges that for the smaller ethnic groups, the reluctance to transfer allegiance to the nation was largely due to the rationalization that the "obligations to the larger political independence were not adequately balanced by the benefits of inclusion."[35]

In conclusion, this review of literature demonstrates the importance of historicizing the study of ethnicity, ethnic group formation and social mobilization

[33] Ibid, pp. 604-607.
[34] Ibid.
[35] Ibid, p. 607.

of ethnic groups. At the same time, it suggests that ethnicity and ethnic groups are best viewed as part of a complex intermeshing of individual and group perspectives, attitudes, experiences, interactions and ideologies. Within this context, we may examine ethnicity and ethnic groups as one form of social organization and social identification which may emerge in response to the mobilizational need of individuals and groups seeking to resolve issues of cultural, economic or political significance.

1.4 Methodology

This project builds on years of informal and formal interaction with the Maasai community of Kenya, beginning with my experience as a U.S. Peace Corps volunteer stationed in a rural Maasai community in 2007 and 2008. Formal fieldwork was conducted from May through mid-August 2012. During that period, I employed a mixed methods approach, which consisted of formal and informal interviews, participant observation and review of media publications and policy documents.

1.4.1 Geographic Area of Focus

Though the perspectives of national activists within the Maasai community are included in this research, this study focuses primarily on Kajiado County in the southern Rift Valley province of Kenya. Kajiado County constitutes a large portion of the geographic area in the south and southeast region of Kenya known as *Maasailand* because of the high population of Maasai living and settling in this area since the early to mid-nineteenth century. (See Figure 3.2, Kenya: Political Map of County Constituencies, 2012, page 59.)

Today this area constitutes the mainstay of Maasai pastoralists practicing traditional semi-nomadic settlement patterns. Kajiado County also represents an important political constituency for the Maasai people. Its proximity to Nairobi and increased rates of in-migration, agricultural development and industrialization make Kajiado County an important microcosm for examining the Maasai social mobilization amidst the changing physical, political, economic and social environment within a defined political constituency.

Time constraints made it impossible to include in-depth analysis of the contemporary factors affecting Maasai communities beyond the Kajiado area. In particular, the long-standing and well-documented issues of land dispossession among the northern Laikipia Maasai and southern Magadi Maasai are not explicitly covered in this research. The limitation of focusing only on the issues affecting the Kajiado area is that the findings presented in this research may not translate beyond the population of Maasai in this area. However, the inclusion of interlocutors representing national NGOs as well as the extensive historical treatment within this research allows me to make broader statements with regard to ethnic identity formation and social mobilization than might otherwise have been possible.

1.4.2 The Interview Process

Interviews largely focused on self-identified advocates or "activists" within the Maasai community as well as individuals working within non-governmental organizations representing Maasai interests. However, anecdotes and informal commentaries gathered in the course of extensive interactions with Maasai communities have also been included in this research. Formal interviews were conducted in English or Kimaasai, with the help of a translator. Henceforth, I will

refer to individuals who participated in the formal interviews as *interlocutors*. Though many of the participants agreed to have their identities revealed, I made the decision to maintain strict confidentiality to shield them from possible backlash due to the politically sensitive nature of the issues on which they volunteered opinion. I also make reference to *acquaintances* who are individuals that did not participate in formal interviews but who were open to sharing their opinions and perspectives with me in the course of this research. Some of my acquaintances are friends, former colleagues or former neighbors whom I met during my time as a Peace Corps volunteer. The nature of these relationships is deeper and more open than those with the interlocutors who primarily were professionals in NGOs, activists, or local leaders with whom I did not have pre-existing relationships prior to the period of fieldwork.

Throughout the text, interlocutors are referenced by alphabetical indicators based on the order of appearance in the text. Appendix C includes brief biographical information on all individuals who are quoted, however personal information has been omitted to ensure confidentiality.

For this research, I have defined the *Maasai social movement* as the collective action or social and political mobilization of individuals or organizations who self-identify as members of the Maasai community. This may include activities such as direct political action, the act of mobilizing groups for social justice issues, protests, or educational campaigns pertaining to historical or contemporary issues affecting the Maasai. The definition of social movement may also include the planning or act of mobilization, as well as the *intent* to mobilize, represent or advocate on behalf of Maasai individuals and organizations. Given the subjective nature of ethnic group categorization, my operational definition of *Maasai* is based on self-identification of

individuals and groups claiming to be members of the Maasai ethnic group. It should also be noted that the inclusion of Maasai who self-identified as advocates or activists presents some limitation in the translatability of this research, as the views, perspectives, and strategies of these individuals may not purport to the general population of Maasai.

1.5 Organization of Thesis

This thesis seeks to provide both rich historical grounding on the production of the Maasai ethnic identity and social mobilization and an in depth exploration of the contemporary experiences of the Maasai people in Kajiado County, Kenya based on fieldwork from May through August 2012.

The intent of this introductory chapter was to provide context for understanding the research questions under consideration, the methodology employed in this project and the theoretical approach I utilized in examining this fascinating and complex issue. Chapter 2 seeks to provide an overview of the political history of the Maasai in Kenya, with particular emphasis on their experiences within the pre-colonial, colonial and post-colonial periods. Chapter 3 constitutes the core of ethnographic fieldwork in Kenya; here I attempt to delve more deeply into the central theme of Maasai political and social mobilization in Kenya. Specifically, I focus on Kajiado County which represents a microcosm of the larger issues of political representation, inclusion/exclusion, and economic marginalization experienced by the Maasai. This chapter incorporates a discussion of the 2010 constitutional reform which was aimed at devolving administrative responsibilities to newly formed Counties, and an evaluation of recent policies aimed at increasing development in Kajiado County which have broad economic

and social implications for the Maasai people. In Chapter 4, I consider the future of the Maasai social movement taking into consideration the opportunities and constraints presented by the contemporary political and economic environment in Kenya. Finally, in chapter 5, I conclude with a summation of the thesis and brief discussion of outstanding questions and suggestions for future areas of research.

CHAPTER 2

POLITICS OF EXCLUSION AND THE MAKING OF THE MAASAI SOCIAL MOVEMENT

2.1 Introduction

In this chapter I examine the history of the Maasai people of Kenya, with particular emphasis on their shared experiences and interactions with other groups and how those interactions have contributed to the formation of a Maasai political identity. Given contemporary claims by the Maasai regarding historical injustices, it is of particular importance that we consider their experiences during the colonial period and in the process of state formation, as well as the post-independence era. It is argued here that during these crucial periods, the Maasai's position on the margins of society was first established, and it is here that we come to understand the history of marginalization and exclusion that continues to influence the social mobilization and political identity of the Maasai of Kenya.

2.2 Origins of Maasai Society in the Pre-Colonial Period

During the 9th century a large community of Maa speaking people migrated from southern Sudan along the great Rift Valley of Kenya, occupying an area extending from Lake Baringo in the north of Kenya to central Tanzania.[36] Over time, linguistic specialization took place between the Northern and Southern dialects as groups began to migrate southeast and southwest from Nakuru in Western Kenya toward Loita, Mara and the Serengeti, and across the Athi plains toward

[36] See Thomas Spear, "Introduction," in *Being Maasai: Ethnicity & Identity in East Africa*, eds. Thomas Spear and Richard Waller (London: James Currey Ltd, 1993); W. Ng'ang'a, *Kenya's Ethnic Communities: Foundation of the Nation*, (Nairobi: Gatundu Publishers Limited, 2006): 393-407.

Kilimanjaro.[37] During the 18th and 19th centuries an "intense period" of economic differentiation and specialization of peoples in the region emerged, whereby pastoral life became central to the Maasai identity." [38] Scholars such as Sutton (1993) and Galaty (1981) argue that the Maasai's specialization in pastoral economy was central to, and in fact, pre-dated the emergence of the Maasai culture, though the two processes may be best described as deeply intertwined and not easily separated. During the second Maa expansion in the 19th century the name 'Maasai' first appeared. [39] It was during this period, when pastoralism came to dominate the Rift Valley, that Maasai identity is believed to have solidified.[40]

Against this backdrop, the Maasai adopted a system of social organization focused on preserving the pastoral way of life.[41] Of particular importance to maintaining pastoral life was the establishment of norms and structures which reinforced the value of social, rather than material, currency.[42] The practice of polygyny and the development of a strong age-set system reinforced bonds among families and clans, and helped to promote a reliable system of self-defense, trade, and a ready supply of diverse stock-partners for breeding and rearing livestock. In the pre-colonial period, the cyclical age-set process formed the backbone of social

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[37] J.E.G. Sutton, "Becoming Maasailand," in *Being Maasai: Ethnicity and Identity in East Africa*, eds. Thomas Spear and Richard Waller (London: James Currey Ltd, 1993); Gabriele Sommer and Rainer Vossen, "Dialects, Sectiolects, or Simply Lects? The Maa Language in Time Perspective," in *Being Maasai: Ethnicity & Identity in East Africa*, eds. Thomas Spear and Richard Waller (London: James Currey Ltd, 1993).
[38] Thomas Spear, "Introduction," in *Being Maasai: Ethnicity & Identity in East Africa*, eds. Thomas Spear and Richard Waller (London: James Currey Ltd), pp. 2- 9; J.E.G. Sutton, "Becoming Maasailand," in in *Being Maasai: Ethnicity & Identity in East Africa*, eds. Thomas Spear and Richard Waller (London: James Currey Ltd), pp. 39-41.
[39] John Galaty, "The Eye that Wants a Person Where Can it Not See? Inclusion, Exclusion, and Boundary Shifters in Maasai Identity," in *Being Maasai: Ethnicity & Identity in East Africa*, eds. Thomas Spear and Richard Waller (London: James Currey Ltd, 1993), pp 174-194.
[40] Thomas Spear, *Being Maasai*, 1993, p. 20.
[41] John Galaty, "Land and Livestock among Kenya's Maasai," *Journal of Asian and African Studies*, vol. 16, no. 1-2 (1981), p. 68.
[42] J. Galaty, 1981, pp. 69-72.

relations among the Maasai. It is this ritual process that established harmony and stability among the pastoralist as it dictated certain roles and responsibilities for males based on the ceremonial 'rite of passage' from youth to adulthood, elder-hood, and finally old age and death.[43]

Scholarship on the Maasai suggests that they were ethnic "shifters" who developed a complex but autonomous sense of identity through a pattern of strategic assimilation, opportunistic openness and the inclusion of peripheral groups.[44] Preserving the pastoral way of life required the Maasai to be adaptive and cooperative. Maasailand itself during this period is best conceived as a "dynamic, fluid region with semi-autonomous groups engaging in various ways within and outside of Maasai territory."[45] The fluidity of geographic and ethnic borders allowed for deep levels of interaction between and among ethnic communities.[46] During this period, the Maasai were highly successful pastoralists, able to extract "maximum benefit from the lands" by drawing on extended networks of semi-autonomous groups, particularly the Kikuyu agriculturalists, with whom they traded in pastoral and agricultural products.[47] It is also noteworthy that non-Maasai could gain entry into Maasai society, indeed "becoming Maasai" themselves, through ritual initiation into the age-set systems and by adopting pastoralism as a way of life. The fluidity and adaptability of the Maasai during this period was

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[43] Paul Spencer, "Becoming Maasai, Being in Time," in *Being Maasai: Ethnicity & Identity in East Africa*, eds. Thomas Spear and Richard Waller (London: James Currey Ltd, 1993).
[44] John Galaty (1993), in *Being Maasai*, is largely concerned with the process by which the Maasai identity formed. In particular, Galaty suggests that their pattern of "inclusiveness and exclusiveness, and discrimination and opportunistic openness" support the contention that Maasai were ethnic "shifters." (See pages 174-176 for fuller discussion.); See edited volume by Thomas Spear and Richard Waller, eds., *Being Maasai: Ethnicity & Identity in East Africa* (London: James Currey, Ltd), 1993.
[45] Waller, 1984, p. 243.
[46] Robert A. Blewett, "Property Rights as a Cause of the Tragedy of the Commons: Institutional Change and the Pastoral Maasai of Kenya," *Eastern Economic Journal*, Vol. 21, No. 4, Fall 1995.
[47] See for instance, Richard D. Waller, "Interaction and Identity on the Periphery: the Trans-Mara Maasai," *The International Journal of African Historical Studies*, 17, no. 2 (1984): 243-284; Blewett, 1995.

essential to their collective survival, especially in times of great stress.[48] Throughout the pre-colonial period, the Maasai developed a prosperous and stable way of life, and made use of their natural resources in sustainable and ecologically sound ways that ensured the continuation of their pastoral culture.

This history is internalized by contemporary Maasai who stated to me that they, more than other ethnic communities, have been more accommodating to individuals outside of their ethnic group by sharing their land and resources, and engaging in trade. In particular, several interlocutors and acquaintances referenced the historical relationship once held between the Maasai and the Kikuyu—one that was considered integral to the maintenance of peace and stability throughout Maasailand. The historical narrative provided by my acquaintances and interlocutors is supported by the literature which suggests that during the *pre-colonial* period the Maasai were neither marginalized nor isolated. Rather, they distinguished themselves in terms of pre-colonial social organization by bringing together disparate groups into a cooperative, symbiotic system of shared resources, skills, and identity.[49]

2.3 Colonial Disruptions to Maasai Society

The openness of Maasai society and their entrepreneurial spirit and willingness to embrace other groups also facilitated early encounters with European travelers in East Africa in the mid-nineteenth century. The Maasai made entry into European consciousness through travel accounts which first personified the Maasai as the deft and regal 'warrior.' Yet, as encounters between the Maasai and European

[48] Galaty, 1993, p. 192; W. Ng'ang'a, 2006, pp. 393-407.

travelers increased, and as popular demands for tantalizing accounts of European adventures in Africa spawned an industry of fictionalized travelogues, the Maasai were increasingly cast as ferocious, arrogant and untamable "beasts." It is remarkable the extent to which these stereotypical portrayals of the 'natives' would come to define the Maasai in the eyes of Europeans. In particular, Scottish writer-explorer Joseph Thompson's sexually-charged and violent accounts of his travels through Maasai territory in the mid-19th century helped to create an enduring image of the roving, violent Maasai warrior—an image that would later be used to justify the colonial policy of forced relocation of Maasai communities and massive land stealing.[50] It should be noted that the emergent image of the Maasai warrior was not confined to contemporary national boundaries, as the Maasai 'nation' extended from southern Kenya into the northern regions of Tanzania.

Much like other pastoral and indigenous people, the Maasai's concept of land did not privilege individualized notion of land ownership. Collective management of communal resources and strategic cooperation with other pastoral groups and agriculturalists were essential to the survival of the Maasai way of life. As such, customs and practices that reinforced cooperation and communalism were built into the very fabric of Maasai society. Yet, from the ethnocentric, hegemonic perspective of the nineteenth century colonial mindset, these traits were indicative of primitive thinking, and as such were anachronistic to modern concepts of development, which for the British largely meant shifting toward settled, agricultural economies.[51] Indeed, the colonial perception was that the Maasai

[50] Lotte Hughes, *Moving the Maasai: A Colonial Misadventure* (New York: Palgrave Macmillian, 2006), p. 272.
[51] Peter J. Schraeder, *African Politics and Society: A Mosaic in Transformation* (Belmont: Wadsworth, 1995); Blewett, 1995, pp. 482-483.

pastoral lands were greatly underutilized, if not entirely 'unsettled' and available for colonial use.[52]

Land and conflict over its use became central to the relationship between the Maasai and their colonizers. First, the establishment of the Anglo-German Boundary between the countries of Kenya and Tanzania during the period of 1886-1890 divided the Maasai nation and cut off southern trade routes and pastoral lands previously controlled by the Maasai.[53] Even so, by 1890 the Maasai still maintained an expansive territory extending north-south along the Great Rift Valley in Kenya.[54] While the making of national boundaries greatly restricted Maasai movement, according to historian Lotte Hughes, it was the completion of the Uganda Railway in 1901 that ultimately "sealed the fate of the Maasai." The railway—built as a vital artery connecting the Kenyan coast to Lake Victoria in Uganda—ran directly through Maasai territory, setting the stage for increased conflict between the Maasai pastoralists and Europeans. In particular, Hughes notes, the railway altered the Maasai pastoral lands by slicing "their territory in two" and opening the fertile highlands surrounding Nairobi to European settlement and economic development.[55] Notably, this area is still referred to as the 'White Highlands' even today. (Figure 2.1 illustrates the changes taking place in Maasai territory during this period.)[56]

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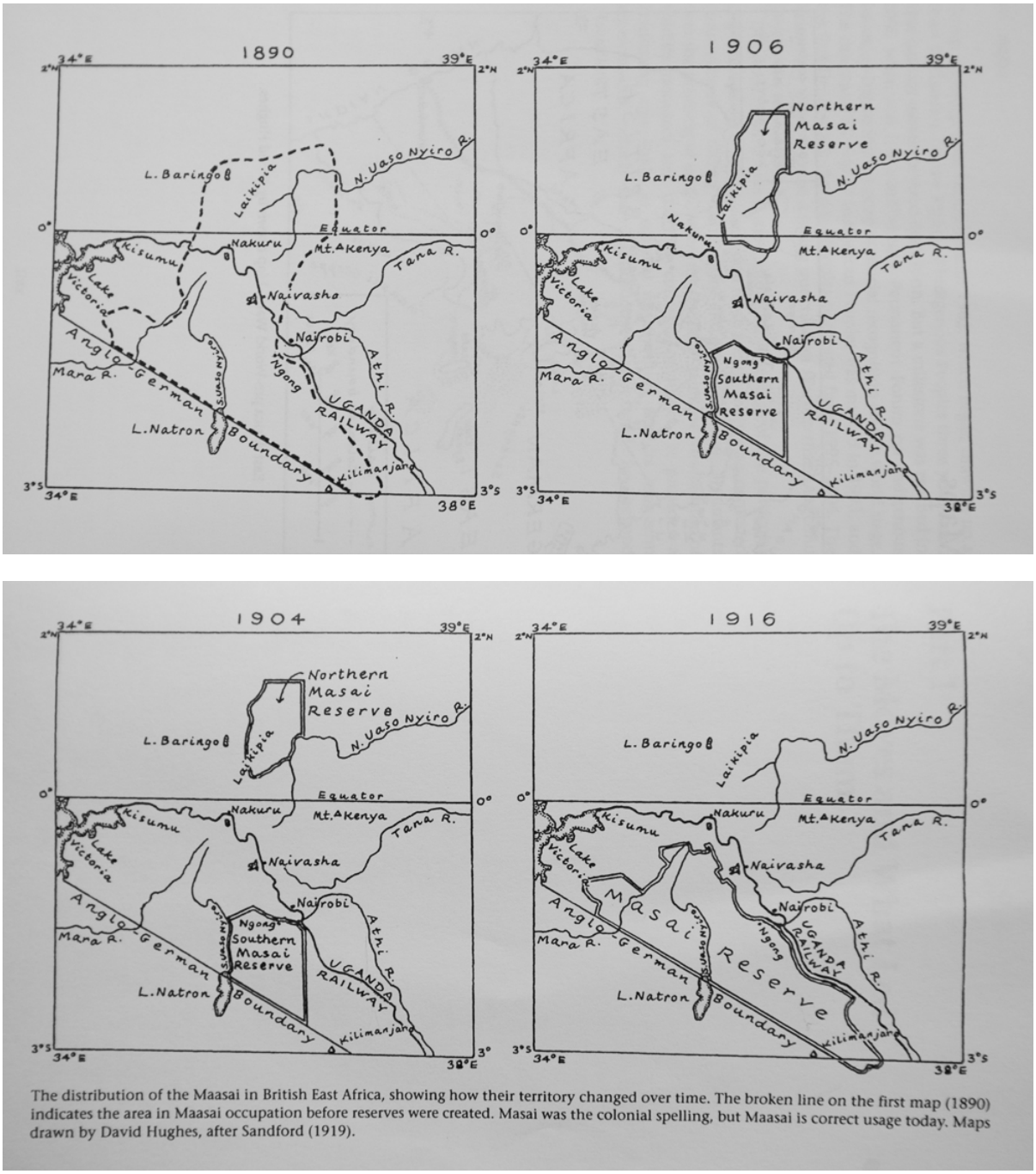
[52] Blewett, 1995, p. 482; Hughes, 2006.
[53] Minahan, J. (ed), *Encyclopedia of the Stateless Nations: Ethnic and National Groups around the World* (Connecticut: Greenwood Press, 2002).
[54] Hughes, 2006.
[55] Ibid, p. 27.
[56] Maps from Hughes, 2006.



The distribution of the Maasai in British East Africa, showing how their territory changed over time. The broken line on the first map (1890) indicates the area in Maasai occupation before reserves were created. Masai was the colonial spelling, but Maasai is correct usage today. Maps drawn by David Hughes, after Sandford (1919).

Figure 2.1 (Source: Hughes 2006)

Conflicts between Maasai pastoralists and Europeans increased during this period of intense settlement, particularly over access to the highlands region which served as an important pasturage for the Maasai during the dry season. These conflicts made it ever more urgent for the colonial administration to permanently relocate the Maasai and control their movement. The passage of the Order in Council in 1901 provided the colonial administrators the power they so desperately sought to enable them to 'legally' alienate lands in the Kenyan colony on behalf of the British crown.[57]

2.3.1 Anglo-Maasai Treaties of 1904 and 1911

At the turn of the century, the Maasai were still a formidable group despite their previous encounters with colonial oppression. Their reputation as capable warriors, and allegiance to one another, suggested that outright combat was not the best option for securing pristine grazing lands. Instead, the colonial administrators opted for a negotiated settlement which would provide permanent land to the Maasai, with "guaranteed property rights," while securing lands suitable for agricultural development for European settlers.[58] In doing so, the colonial government took advantage of the fact that Maasai society did not operate on rigid hierarchical or authoritarian governing structures. Rather than approaching each clan individually, the negotiators for the British appointed several Maasai elders, on whom they bestowed decision making authority to represent all Maasai clans. Of course, the British colonial administrators possessed an incredible advantage compared to the illiterate Maasai representatives, who through coercion and

[57] Ibid, p. 25.
[58] Blewett, 1995, p. 483.

subterfuge 'agreed' to the first treaty (in 1904). This treaty ultimately divided the Maasai people in two, forcing a small group northward into the Laikipia plains, while a larger group was forced into the harsher, semi-arid lands south of the Ugandan Railway, a region that would later become Kajiado District.[59] Under the 1904 treaties, the Maasai were promised unbroken ownership of these lands "for so long as the Masai (sic) as a race shall exist."[60] However, with the expansion of European settlements into the temperate and fertile lands of the Laikipia plains, the British colonial government forced the negotiation of a second treaty in 1911 that would relocate the northern Maasai to an expanded area in the south, now officially called the Southern Reserve.[61] By the time the second treaty was signed there was great unrest within the Maasai community because of the hardships they suffered during the early moves. The loss of more than half of Maasai territory to the European settler class, and increasing hardships due to the unfavorable environmental conditions of the southern reserve, greatly stressed the Maasai pastoralists.[62] There were also growing fractures within Maasai society, particularly between the younger *ilmurran* (warrior class) and the elders. The youth increasingly felt that the elders had jeopardized their future, and the future of their children, by submitting to the colonial desires for the best lands. It is not surprising that a generational conflict emerged during this period. Indeed, disrupting the power of the *ilmurran* was a central strategy of the colonial government bent on undermining

[59] R. L. Tignor. "The Maasai Warriors: Pattern Maintenance & Violence in Colonial Kenya," *Journal of African History* 13 (1972), 271-290; Hughes, 2006.
[60] Hughes, 2006.
[61] Ibid.
[62] Hughes, 2006, notes that it is difficult to verify the total land loss during the period of 1901-1913. However, estimates range from 50% to 70%.

factions within Maasai society they viewed as most threatening to the colonial project.

Early in the colonial period, administrators identified the *ilmurran* as the "bulwark" against full assimilation of the Maasai people into the 'modern' colonial social and economic culture. Thus it was deemed necessary to disrupt the age-set ceremonies which were designed to maintain the warrior class system as a way to 'tame' the Maasai and bring them into line with the colonial ideals of a civilized race. Tignor (1972) suggests that there is evidence that some Maasai elders even agreed to hasten the ceremonial advancement of *ilmurran* into junior elderhood—a time when 'warriors' were encouraged to settle and marry.[63] In essence, the colonial government's intention was to surreptitiously engineer a shift in the balance of power away from the warrior age-set to the elders, who were believed to be more accommodating to the social reforms and institutional changes proposed by the colonial government. Tignor (1972) writes:

> The goal of Hemsted's programme was to limit the military capacity of the junior warriors; this was to be done by disarming them, hastening the E-Unoto ceremony, at which time they settle down and became senior warriors, and by disbanding warrior manyattas, where, according to Hemsted, young men lived free from the control of elders and conceived their plans of raiding and opposing government policies.[64]

Though the elders were able to enforce obedience during the move of 1904, growing discontent among the youth led a small group of Maasai in 1913 to bring a civil case against the colonial government and Maasai signatories to the Anglo-Maasai treaties. The Maasai plaintiffs claimed that the treaties were void, among

[63] See Tignor, 1972, p. 282
[64] Ibid, p 282.

other reasons, because the vast majority of their people did not consent to the agreements. The plaintiffs also argued that the signatories to the treaties were arbitrarily selected by the colonial government to represent all Maasai, even though these individuals actually held no legitimate administrative responsibility or executive power within the Maasai community.[65] Specifically, the youth argued that the elders only possessed the authority to counsel *ilmurran*, but did not themselves have decision-making authority in Maasai society. Therefore, in the eyes of the plaintiffs and the Maasai masses who they represented, the treaties lacked legitimacy as the process by which they were created was inconsistent with local customs.[66]

The British Crown countered by arguing that colonial administrators had the authority and discretion under British law to determine with whom the Crown could enter agreement, regardless of the social customs of the Maasai. The Crown also claimed that since British East Africa was not actually British territory, the Maasai were not British subjects and therefore did not have any "attendant rights of access to British law."[67] Not surprisingly, the colonial High Court at Mombasa agreed with the defendants (i.e., the British Crown) and dismissed the civil case on May 26, 1913 on the grounds that the plaintiffs' claims were not recognizable in municipal courts and because the treaties were actually "Acts of State." The case was then referred to the Court of Appeal for Eastern Africa in December 1913 where the decision of the lower court was predictably upheld.[68]

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[65] Hughes, 2006; also see Colonial Records as cited by Hughes, 2006, including "Belfield to Harcourt, Confidential, 16 Jan. 1913, P.R.O., CO 533/116".
[66] Ibid.
[67] Hughes, 2006, p. 93.
[68] Ibid.

In the immediate aftermath of the 1913 court rulings, the Maasai were permanently evicted from the northern territory. While the loss of this land dealt a devastating blow to the collective psyche of the Maasai, the long-term repercussions cannot be underestimated. As suggested by Hughes (2006), this ordeal resulted in widespread feelings of "distrust and alienation" among the Maasai in the early 20th century. As a result, the Maasai retreated further from the colonial state in part by resisting assimilation into the system of colonial education; a decision, which may have contributed to the Maasai community's marginalization and descent into poverty in comparison to other groups.[69]

Oral testimonies collected in the course of this study also suggest that these events represent an important part of the Maasai history of social mobilization and political identity formation in two ways. First, demands for comprehensive redress of this historic injustice remain a central component of contemporary political claims made by Maasai in Kenya. Second, the Maasai argue that the illegal appropriation of pastoral lands for agricultural settlement during the colonial period, in total disregard for the Maasai way of life, was indicative of a growing bias against their livelihood—a bias that was perpetuated in the post-colonial era. For many Maasai with whom I spoke, the bias against pastoralism is even more problematic than the original land loss because of its use by post-colonial governments as a rationale for development schemes in Maasailand which privilege agriculture and the individuation of land into increasingly smaller plots.

[69] Hughes, 2006, p. 174.

2.3.2 Disruptions to Pastoralism under Colonial Rule

Despite the relocation to the harsher Southern Reserve, and the loss of more than half of the Maasai's original territory, it is believed that by 1910 the Maasai still maintained large numbers of livestock, and could have been well positioned economically if they were allowed entry into the colonial economy. Yet this was not the case. Colonial policies continued to discriminate against pastoralism by introducing costly quarantine regulations and authorizing white settlements just north of the Southern Reserve. The geographic restrictions imposed by these settlements cut the Maasai off from important trade routes, particularly to Somalia, where they acquired livestock for breeding. Historically, trade with pastoralists in Somalia was crucial for the Maasai to maintain stronger and more genetically diverse herds.[70]

Remarkably, despite these restrictions, Maasai herds remained healthy and continued to grow. However, by the 1920s and 1930s, concerns about overstocking of cattle, and perceived threats to the European cattle industry, led the British colonial government to impose further restrictions on the pastoral practices of the Maasai, including the selling of cattle. King (1971) provides evidence of such policies as described in colonial correspondence written by the District Commissioner in Narok:

> So far as this District is concerned he [the Maasai] is forbidden by law to sell his stock however much he may want to…Folks may talk of the useless Masai (sic). But the fact is that they are forbidden to help the Colony in the way which they best could, that is by supplying cheap beef.[71]

[70] Kenneth King, "The Kenya Maasai and the Protest Phenomenon, 1900-1960," *The Journal of African History* 12 (1971), 117-137.
[71] King, 1971, p. 123, excerpt taken from colonial correspondence entitled, "Memorandum on Masai," no. 18 (A.C. Hollis).

Pastoralism in the *pre-colonial* period prospered under conditions which supported vast social networks, reliable trade, cooperative management of communal grazing lands and water supplies.[72] Under colonial rule, the relegation of Maasai to the 'reserves', and increasingly to smaller, individualized parcels of land restricted the size and geographic range of Maasai social organization and stressed pastoral life. The containment of Maasai pastoral ranges, and colonial policies which limited their entry into the economy imposed great economic hardships on the Maasai. By the 1930s, many Maasai clans such as the *Purko* were forced into wage labor in the construction sector in order to pay new colonial taxes. Tignor suggests that participating in the construction of colonial roads must have been particularly demoralizing for the Maasai, given that the building of this infrastructure through Maasailand was considered one of the most nefarious and disruptive of all modernizing intrusions into the Maasai pastoral lands. [73]

It is noteworthy that the Maasai were not the only community to lose land during the colonial period. Yet, the geographic restrictions imposed by the 'closed' Southern Reserve stressed the Maasai people who traditionally were able (and willing) to relocate to accommodate the movement of other groups. The boundaries of the reserves also contributed to increased hostility between Maasai and other groups, particularly the Kikuyu, who began to encroach on the Maasai reserve after the loss of their own prime agricultural lands to the British. Some scholars suggest that this period of intensifying conflict between ethnic groups greatly influenced the development of the contemporary Maasai political identity, particularly as land

[72] Blewett, 1995, pp. 478-488.
[73] Tignor, 1972, p. 285.

pressures increased and the concept of property rights, imposed by the British, forced the Maasai to compete with other ethnic groups for access to, and 'ownership' of land. [74]

2.4 Maasai Social Mobilization during the Negotiation of Independence

Between 1932-1962, the boundaries of the Maasai community began to crystalize around a defined political constituency. During this period, the Maasai submitted a series of legal petitions to the colonial Land Commission and the British Government, seeking redress for the land loss in 1904 and 1911, including the reestablishment of the lands in the highlands around Nairobi. [75] In the early 1950s, as Kenya's independence became a certainty, the Maasai United Front (MUF), a quasi-political bloc, was established to advance Maasai demands during the negotiation of the independence constitution.[76] Of principal concern to the Maasai was the reconstitution of their original lands, and assurances that the Maasai people, as a minority ethnic group, would have autonomy in the administration of their customary social, economic and political institutions. It is crucial to remember that under colonial rule the government became "the driver of accumulation" of resources and political power.[77] Control over the state emerged therefore as a central concern of the politics surrounding the negotiation of independence in the 1950s and early 1960s.[78] Social organization during this period also took on the character of uneven development fostered under colonial rule which "magnified" ethnic

[74] Tignor, 1972, p. 485.
[75] Hughes, 2006; P. Kantai, "Kenya: In the Grip of the Vampire State. Maasai Land Struggles in Kenyan Politics," *Journal of Eastern African Studies*, Vol.1, No. 1 (2007), 107-22.
[76] Minahan, 2002.
[77] Roger Southall, "Reforming the State? Kleptocracy and the Political Transition in Kenya," *Review of African Political Economy*, Vol. 26, No. 79 (1999), p. 94.
[78] Ibid.

inequalities and ethnic-based competition.[79] For the Maasai, as well as other ethnic minority communities, fears that the larger, wealthier, and more powerful ethnic groups would dominate the post-colonial state led to preoccupation with maintaining ethnic autonomy through the establishment of a governing structure composed of ethnically-defined, autonomous regional administrative units—often known as *majimboism*.

The negotiation of independence was a defining period for the Maasai community. Their political alliance with the KADU party in 1960 brought together minority groups in the Rift Valley and the Coast region, as well as ironically, white settlers who joined KADU under the belief that a regional system would protect European privilege in post-colonial Kenya. [80] The KANU party, which was a coalition of the Kikuyu and Luo ethnic communities (led by Kenya's first President, Jomo Kenyatta) rejected KADU's calls for majimboism as nothing more than tribalism. Instead, under the guise of nationalism, the KANU party sought a strong, centralized system of government which brought the regions under the control of a robust national government.

Though KANU defeated KADU in the 1961 elections, increasing international pressure during the Lancaster House talks in 1961 forced KANU to accept a compromise with the minority communities composing KADU. Under the leadership of Daniel Arap Moi, KADU argued that majimboism ensured the continued influence of minority ethnic communities in independent Kenya. During these talks, KANU acquiesced to KADU's desire for a decentralized system of government by promising to consider the establishment of regional assemblies once

[79] Ibid.
[80] David Anderson. "'Yours in Struggle for Majimbo'. Nationalism and the Party Politics of Decolonization in Kenya, 1955-1964," *Journal of Contemporary History*, 40 (2005), 547-564.

the central government was formed, and to participate in an interim coalition government with KADU.[81] Despite these promises, once the Lancaster House Talks concluded and KANU leaders gauged the political climate to be in their favor, they reneged on its agreement with the minority-led KADU party. In reality, KADU itself was divided over how best to implement a regional government structure, and was subsequently politically weaker than the majority-led KANU. Yet, the public dismissal of KADU's majimboist platform by Jomo Kenyatta and other KANU leaders and the move to cast this development as part of an anti-national tribalist agenda swiftly undermined any remaining political power wielded by KADU leaders.[82] KANU would go on to win the 1963 national elections, with Jomo Kenyatta, a Kikuyu, as the first president of independent Kenya.

2.5 Maasai in the Post-Colonial Kenya

The collapse of the Lancaster House agreement and the dismissal of the concerns of minority ethnic groups over the allocation of political power within the framework of the post-colonial state still linger today. As one activist confided, many Maasai leaders are "still very bitter" that the majority groups reneged on their agreement to support a political arrangement that would give minority groups stronger voice in the government, noting that "these are the very issues of representation and inclusion that we still face in the present day Kenya."[83]

[81] Anderson, 2005, p. 557.
[82] Anderson, 2005, p 557.
[83] Interlocutor E.

2.5.1 Bias Against Pastoralism and Land Reforms

Independence offered a crucial moment for Kenyans to reflect upon their shared history and reject the colonial institutions and ideologies of power and patronage. However, in Kenya, as in many post-colonial African nations, the colonial institutions were not abandoned but rather reinforced by African leaders in the immediate post-colonial period. Of particular concern to Maasai leaders was the persistence of colonial attitudes which stigmatized pastoralism and pushed the Maasai further to the margins of society. The colonial ideology of development which privileged sedentary agricultural production and individuation of land was exploited by Kenya's first political leaders to justify the appropriation of 'idle' pastoral lands by the government after independence.[84] The system of political patronage amplified inequalities between the majority and minority ethnic groups and, in doing so, further alienated the Maasai.

In particular, sweeping land reforms implemented in the 1960s awarded large swaths of land to communities and individuals who supported the KANU party. This affected the Maasai directly in two ways. First, the few Maasai that were given access to land were either educated or had served in the colonial administration, and were considered 'progressive' by the Kenyatta government.[85] Second, the government's land reforms involved the practice of dividing Maasai ranches into individualized parcels which were viewed as more suitable for the emerging economy. This rapid individuation of land, and selective allocation of land to 'privileged' individuals was inimical to traditional cultural practices that once

[84] Lucas Ole Naikuni, "A Study on the Maasai Indigenous Peoples Rights," Maasai Indigenous Peoples Rights Initiatives (MIPRI) Desk Review on Land, November 2008, p. 7.
[85] Galaty, 1981, p. 81.

fostered unity and cooperation among the Maasai. One of my interlocutors involved in mobilizing the Maasai community in the early 1970s commented:

> The Maasai people had very little expectation that the post-independence government could meet their needs, or solve their problems….people saw the government as an entity to control and direct their lives. They did not trust the government or power.[86]

During this period several Maasai leaders, including William Ntimama, rose to power within the community.[87] According to one of my interlocutors who was politically active during this time, there was a precipitous change in the Maasai community in the early 1980s. I further learned that local social movements, some sponsored by the Catholic Diocese's DELTA "liberation education" program, were mobilizing and empowering Maasai in the southern Rift Valley.[88] As a result, the Maasai community as a whole was becoming less fearful of government, more organized, and more empowered to engage in national political debates. As one activist said, by the 1980s "Maasai in the villages were becoming more critical of the government and asking questions at public meetings."[89]

2.5.2 Boundary Making and the Issue of Land in the Post-Independence Era

However, the problems of boundary making in the colonial period were compounded under new schemes to demarcate land at the end of colonial rule. Several transformations which occurred during this period affected the Maasai

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[86] Interlocutor F.

[87] Ibid, p. 104.

[88] According to my interlocutor, the DELTA program was modeled after Paulo Freire's work "The Pedagogy of the Oppressed." The program stands for Development, Education, Leadership, Teams and Action; a model which utilizes a theory of liberation. I was told that the Catholic Diocese ran DELTA training programs throughout Kenya somewhat surreptitiously during the 1970s and early 1980s. A second program, WINDOW, was tailored to the specific needs of women. The acronym stands for Women In the National Development of Women.

[89] Interlocutor F.

specifically. First, as noted previously, the system of political patronage established under colonial rule was perpetuated by Kenya's new African leaders who awarded large swaths of prime land to supporters of the KANU political party, including lands that were once held by the Maasai. Second, the creation of national parks in Maasai territory of the southern Rift Valley increased land pressure and restricted access to vital grazing areas and water sources. Finally, increasing interest in securing private land tenure, and the push by the government to convert once communally held lands into private ownership, led to a rise in illegal land schemes throughout Kenya. The Maasai were exploited during this period because of the high rate of illiteracy, unfamiliarity with land titling policy and limited access to legal representation. A 2002 report of the Presidential Commission of Inquiry on the Land Law System (commonly referred to as the Njonjo report) and the 2004 report of the Presidential Commission into the Irregular-Illegal Allocation of Public Lands (Ndungu report) indicate that the most widespread abuse of land titling and arbitrary displacement of original inhabitants occurred in the Kajiado area of the Rift Valley, principally Maasailand. [90]

The Maasai also claim that in addition to land settlement schemes which dispossessed them of their land, they were never compensated for their land loss under British colonial rule. Specifically, part of the Settlement Transfer Fund (STF) agreed to by the British government at the time of independence was intended to rectify the land issue for the Maasai by providing financial compensation to the Kenyan government to be shared with communities aggrieved by land loss during

[90] UN General Assembly, Human Rights Council, Implementation of General Assembly Resolution 60/251 of March 15, 2006, report titled "Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People," February 15, 2007, A/HRC/432Add.3; for more on the history of illegal land schemes see the Ndugu and Njongo reports issued by the Kenyan government.

the colonial period. However, the Maasai argue that President Kenyatta used the funds to settle landless people from other communities (primarily supporters of his presidency) while ignoring the Maasai. [91]

During the term of Kenya's second president Daniel Arap Moi (1978-2002), a Kalenjin, the Maasai became more active and strategic in their social mobilization by uniting with other pastoral groups in a multiethnic coalition called Kamatusa. This alliance, composed of the Kalenjin, Maasai, Turkana and Samburu communities, was formed primarily to unite opposition against perceived dominance of the Kikuyu and encroachment of Kikuyu settlements on the Rift Valley on which Kamatusa communities laid claims. [92] Interestingly, leaders of the larger ethnic communities characterized Kamatusa as nothing more than a "platform for political exclusion," much in the same way the majimboist platform had been portrayed as 'tribalism.'[93]

In the early 1990s, tension over land ownership led to the eruption of ethnically-motivated violence in the Rift Valley; some of this violence involved the Maasai. However, the intensification of ethnic conflict birthed a more moderate coalition of Maasai nationalists who rose to power in an attempt to negotiate reconciliation between Maasai pastoralists and the Kikuyu and rectify the longstanding land claims held by the Maasai people. Yet, despite several

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[91] "Kenya: Maasai leaders demand 125m dollars for ancestral land," *Daily Nation*, August 26, 2004, accessed on September 10, 2010 at http://dlib.eastview.com/browse/doc/6646629.
[92] Southall, 1999, p. 99-100.
[93] "Kamatusa re-emergence brings back ethnic cleansing memories in Kanu era," *Standard Digital News*, April 7, 2012, accessed at http://www.standardmedia.co.ke/?articleID=2000055709&pageNo=1, on August 27, 2012.

conferences between leaders from the Maasai and Kikuyu communities, conflict continued in the Rift Valley throughout the 1990s and the Moi era.[94]

2.5.3 The 2004 Protest Movement

As President Mwai Kibaki's NARC regime came to power in 2002, the Maasai viewed the new political dispensation as an opportunity to gain greater access to resources and power.[95] In the lead up to the hundredth anniversary of the 1904 Anglo-Maasai treaty, the Maa Civil Society Forum—an informal association of diverse non-governmental organizations and community leaders—in collaboration with Maasai activists and other pastoral groups began organizing a strategy to engage the new government. Led by a cadre of professional lawyers and activists, the goal was to create a sustainable movement capable of confronting the government with "peaceful and legal claims for the redress of historic injustices, particularly the return of Maasai ancestral lands."[96] The movement sought to elevate the concerns of Maasai pastoralists through strategic media events, high profile fundraising, and the creation of legal positions based on intensive research into the legitimacy of land claims made by minority groups dispossessed during the first few decades of Kenya's independence. It is noteworthy that research by legal experts uncovered the existence of companies from other parts of the country involved in illegal land schemes in Laikipia (and other Maasai lands). As one activist

[94] Minahan, 2002.
[95] Kantai, 2007.
[96] Interlocutor E.

noted, the movement engaged in activities that "were threatening to expose the 'Africanization of the White Highlands'" by the Kikuyu elite. [97]

During this period of intense political activism, there was growing concern among Kenyans outside of the Maasai community about who had the right to land and resources, and what such a social movement might mean in terms of changing policy paradigms and public opinion on what is considered 'rightful' or 'ancestral' lands.[98] As it became clearer that the Maasai were organizing to petition the Kenyan government for inclusive land reforms by exposing the country's ugly history of land graft, the social movement and its leaders became prime targets of the state. In August 2004, on the 100th anniversary of the signing of the 1904 Anglo-Maasai treaties, large sections of Maasai civil society united in peaceful protests in Nairobi near the Kenyatta International Conference Center and the British High Commission. The group intended to deliver petitions to the Kenyan government calling for resettlement of Maasai on lands illegally taken away from them through the Anglo-Maasai treaties. [99]

Maasai protestors numbering in the hundreds marched through Nairobi to the Ministry of Lands and Settlement Offices where they attempted to deliver a petition to Minister Amos Kimunya entitled, "A Memorandum on Anglo-Maasai Agreements: A Case of Historical and Contemporary Injustices and Dispossession of Maasai Lands." Simultaneously, Maasai groups held similar demonstrations in

[97] Ibid.
[98] Ibid.
[99] Kantai, 2007.

Kajiado, Naivasha, and Ngong, where copies of the memo were delivered to local and provincial government authorities. [100]

At the time of the protests, a three-year drought threatened to decimate the livestock holdings of the Laikipia Maasai, and the sudden drying of once-reliable water sources was forcing local pastoralists to walk upwards of eight hours a day in search of water for their livestock. [101] A few years earlier, a similar drought had led the government to intervene by allowing the Maasai to graze their livestock on the slopes of Mount Kenya, instead of the neighboring lush ranches held by a handful of large-scale land owners. Sadly, the harsh weather conditions of Mount Kenya proved too difficult and the Maasai lost many hundreds of their livestock to the cold, wet conditions.[102]

During this period a drought emergency had been declared in 26 of Kenya's 74 districts, rendering 2.3 million Kenyans in need of relief aid. [103] As the international community began to respond to the humanitarian crisis, the growing insecurity had considerably stressed the already tenuous relationship between the Maasai and large-scale ranchers in many areas of the country. [104] Aggrieved by the government's negligence to address their long-standing issues, hundreds of herders moved onto private ranches in what the government quickly characterized as illegal land invasions. As tensions elevated, Dr. Chris Murunguru, Kenya's National

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[100] Kantai, 2007; KTN Television, "Kenyan rights groups raps police "brutality" toward Maasai protestors," August, 26, 2004, accessed on November 1, 2010 from WNC: KTN Television at http://dlib.eastview.com/browse/doc/6646640.

[101] International Federation of the Red Cross and Red Crescent. "Emergency Appeal: Kenya Drought," August 17, 2004, accessed on November 10, 2010 at www.ifrc.org/cgi/pdf_appeals.pl?0411804. pdf.

[102] "Kenya: Maasai community reportedly 'to ignore' resolutions on peace initiatives," *Daily Nation*, August 26, 2004, accessed on September 10, 2010 from http://dlib.eastview.com/browse/doc/6646629.

[103] UNICEF, "Crisis Appeal: Drought Emergency, Kenya," July 2004, accessed at http://www.unicef.org/french/emerg/files/Emergencies_Kenya_Crisis_Appeal_0704.pdf.

[104] International Federation of the Red Cross and Red Crescent, 2004.

Security Minister, made public appeals to the National Assembly and Maasai political leaders to end the invasions that "threatened to spark hostilities" between the Maasai and ranch owners. [105] Subsequently, the government dispatched tactical police squads, including the paramilitary General Service Unit and Anti-Stock Theft Unit, to end the protests. Reports by human rights groups and news outlets documented massive detention of Maasai pastoralists, including women and children. The situation was compounded by the routine torching and looting of Maasai homes and illegal seizure of hundreds of cattle, sheep and goats. [106]

Activists who participated in political mobilization during the early years of the Kibaki regime suggest that the aggressive suppression by the government severely weakened the Maasai social movement, and reinforced entrenched thinking in government circles that the Maasai should be permanently pushed to the margins of society. It is noteworthy that prejudice against pastoralists emerged once again during this critical period, as the Maasai were portrayed as nothing more than "economic saboteurs out to stop the tourism sector from recovery."[107] Following the protests, the architecture of the social movement was systematically dismantled by the government through targeted intimidation of Maasai organizations. Ultimately, this led to the deportation of three foreign workers employed by pro-Maasai non-governmental organizations, and the loss of the movement's national coordinator, Ben ole Koissaba, who sought political asylum in the United States after being forced

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[105] "Police officers, security team evict Maasai from four ranches," *East African Standard*, September 5, 2004, accessed November 1, 2010 from http://dlib.eastview.com/browse/doc/6673323.

[106] "Human rights violations against Maasai reported," *East African Standard*, August 27, 2004, accessed on September 10, 2010 from http://dlib.eastview.com/browse/doc/6649086; KTN television, "Kenyan rights groups raps police 'brutality' toward Maasai protestors," transcripts from broadcast on August 29, 2004, WNC/KTN television, accessed on November 1, 2010 at http://dlib.eastview.com/browse/doc/6646640.

[107] "Maasai demonstrators 'violently dispersed' during protests," *East African Standard*, August 25, 2004, accessed on September 10, 2010 from http://dlib.eastview.com/browse/doc/6649086.

to leave Kenya.[108] While historically the Maasai had not engaged in direct 'rebellion' or been involved in violence against the state, the 2004 protests marked a precipitous change in their social movement, becoming better organized and more strategic in its tactics.[109]

2.5.4 Maasai and the Constitutional Reform under Kibaki

The refusal of President Kibaki to follow through on power sharing agreements with the Liberal Democratic Party throughout his first term fueled increasing antagonism against his Kikuyu-led government. Of particular concern to Kenyans was the growing inequality between urban and rural regions—a concern amplified by a report released in 2004 which highlighted the ethnic dimensions of inequality in Kenya. In the words of the authors, "urban areas and the Kikuyu districts had superior economic and social indicators as a result of high levels of patronage from previous governments that discriminated against less-developed regions."[110] Under mounting pressure from the public and political opposition, President Kibaki reluctantly agreed to a constitutional review process and the drafting of a new constitution in 2004.

The resultant Bomas Draft Constitution (sometimes called the People's Constitution) called for devolution of government power to the districts and an increase in local development budgets. The Maasai were generally supportive of the Bomas initiative because they felt that it provided for equitable distribution of

[108] Interlocutor E.

[109] Kantai, 2007; ole Ndaskoi, 2006; also see Minorities at Risk Project, Assessment for Maasai in Kenya, 2006 on the historical nature of Maasai protests, accessed at www.cidcm.umd.edu/mar/assessment.asp?groupId=50105.

[110] See Michael Chege, "Kenya: Back from the Brink?," *Journal of Democracy*, vol. 19, 4 (2008): 125-139, which references a report issued by the Society for International Development (SID), entitled, "Pulling apart: Facts and figures on inequality in Kenya."

resources in "indigenous and minorities' lands and territories" and called for the formation of a commission to investigate historic injustices experienced by many of Kenya's minority communities.[111] However, despite support from other ethnic minority groups and Kenya's major political parties, President Kibaki rejected the draft constitution on the grounds that it provided too much authority to the local level and weakened national control over economic development. It is also suggested that the Kibaki government was heavily influenced by its relationship with foreign investors, including the United States, who opposed the draft because it weakened opportunities for foreign companies seeking access to natural resources in Kenya by encouraging the redistribution of land, resources and power to the local level. [112]

A second draft of the constitution introduced by Attorney General Amos Wako, sought to build a compromise between the Kibaki government and its opponents. The so-called Wako Draft created a two tier government with a prime minister nominated by the President. For many smaller ethnic groups, however, the danger of the Wako Draft was its proposal to create a National Land Commission to be headed by an administrator solely appointed by the President. The Maasai of southern Kajiado, in particular, objected to the Wako Draft on grounds that it would unfairly redistribute revenue derived from natural resources. Many Maasai felt that the system of even distribution would further "facilitate abuse" and "marginalize" the Maasai by appropriating revenue from natural resources in their lands to other

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111 Michael ole Tiampati, "Maasai Wary of Draft Constitution Backed by Government," *Cultural Survival*, November 4, 2005, accessed on September 18, 2012 at http://www.culturalsurvival.org/news/micahel-ole-tiampati/maasai -wary-draft-constitution-backed-government.

112 Leigh Brownhill, and Terisa Turner, "The struggle for land and food sovereignty: Feminism in the Mau Mau resurgence," IN Globalization and Third World Women: Exploitation, Coping and Resistance, Ligaya Lindio-McGovern, Valliman, I. (eds.), 2009. Surrey, England: Ashgate Publishing.

ethnic communities. [113] Other Maasai did not trust any commission established by the Kibaki regime, which they regarded as little more than "a ruse through which Kikuyu would grab their pastures."[114] Not surprisingly, the Wako Draft, which contained no recommendation on the curtailment of presidential power, was rejected by a referendum in 2005. Kibaki's recalcitrance on constitutional reform and his insistence on concentrating power in the presidency forced the leaders of the major opposition parties to unite in the newly formed Orange Democratic Party (ODM), led by Raila Odinga.

The 2004-2005 debate over constitutional reform deepened the divide between the Kikuyu and the other ethnic groups. In the lead up to the December 2007 national elections, Kibaki reconstituted his coalition in the newly formed Party of National Unity (PNU), which included members of the KANU. [115] Raila Odinga, a Luo leader of ODM, the main opposition party, was the primary spokesperson for many ethnic minority voters who insisted on a new constitution that would grant greater political and fiscal autonomy to local governments. As before, Kibaki criticized Odinga's platform as a tribalist agenda aimed at dividing Kenya along ethnic lines. [116] Ultimately, both leaders were forced to seek votes outside their ethnic groups in order to broaden their political bases. Even so, both candidates continued to accuse each other of "using tribal appeals while boasting of their own multi-ethnic credentials."[117]

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[113] Ibid.

[114] Chege, M. 2008, p. 132.

[115] Clark C. Gibson and James D. Long, "The presidential and parliamentary elections in Kenya, December 2007," *Electoral Studies* (2009): 1-6, accessed on September 18, 2012 at www.elseviere.com/locate/elecstud.

[116] Ibid, p. 2.

[117] Ibid, p. 3.

2.6 2007 Elections and Ethnic Conflict in Kenya

In December 2007, what began as heated, but relatively routine elections, culminated in one of the deadliest incidents of political violence in post-independence Kenya.[118] Irregularities in vote counting, which was attributed to the inefficiency of the Election Commission, coupled with the hasty swearing in of Kibaki, gave rise to the most acute incident of ethnically-motivated violence in years. In a matter of only a few weeks, the ensuing nation-wide violence resulted in more than 1,130 deaths and thousands of serious injuries, widespread destruction of property, and the displacement of more than 300,000 Kenyan citizens. Gross violations of human rights, including forced circumcision of Luo men and boys, and rape of women, were documented by the Commission of Inquiry established in May 2007 to investigate the cause of the post-election violence.[119] While most of the perpetrators were from the Luo and Kikuyu ethnic groups, it is widely suspected that prominent political leaders were responsible for instigating violence. In 2010, the International Criminal Court charged several leading political figures for their role in fueling the violence by uttering hate speech and encouraging their supporters and the police to assault political opponents.[120,121] And, according to the CIPEV, at

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[118] It should be noted that Kenya also saw ethnically-motivated violence throughout the 1990s. While the post-election violence in the weeks following the 2007 presidential election in many ways resembled the militia violence of the 1990s, the Commission of Inquiry into Post-Election Violence (CIPEV) concluded that the "violence that shook Kenya after the 2007 general elections was unprecedented. It was by far the most deadly and destructive violence ever experienced in Kenya." The Commission was initiated on May 23, 2007 following an announcement in the Kenya Gazette Notice No. 4473 vol. cx-no.4. A copy of the report may be found at www.cipev.org. Quote taken from summary found at http://reliefweb.int/report/kenya/kenya-commission-inquiry-post-election-violence-cipev-final-report.

[119] Ibid.

[120] Ibid.

[121] The International Criminal Court is currently pursuing cases against three prominent Kenyan politicians and leaders in Kenya's government for crimes against humanity. These individuals include

least 405 deaths resulting from gunshots are believed to have been perpetrated by police.

Notably, there was no indication that the Maasai played a significant role in the post-election violence. The CIPEV reported only one Maasai fatality. While demographic data of the official vote count is not available, exit polls show that Raila Odinga was favored by the Maasai over the incumbent Mwai Kibaki by a margin of 14.4 points, having received 56.0% of the Maasai vote.[122] Exit polling also indicate that voters who chose Kibaki generally had a positive evaluation of the economy. On the other hand, voters who favored Odinga were more concerned about the growing inequality and corruption in government and/or had a generally negative evaluation of the economy.[123]

In the months before the election, acquaintances in the Maasai community expressed similar sentiments about the economic situation. Those who favored Odinga generally cited the fact that his platform stressed poverty alleviation, limiting the power of the presidency, greater autonomy for local governments, and promised to aggressively fight corruption and political patronage. It is noteworthy that there was almost universal support for Odinga and the ODM platform among the Maasai I spoke with in the rural areas of Kajiado District in late 2007.

William Samoei Ruto, former Minister of Higher Education, Science and Technology, Henry Kiprono Kosgey, Member of Parliament and Chairman of ODM, Uhuru Muigai Kenyatta, Deputy Prime Minister and former Minister for Finance, Mohammed Hussein Ali, Chief Executive of the Postal Corporation of Kenya, and Francis Kirimi Muthaura, former Head of the Public Service and Secretary to the Cabinet. See the International Criminal Court at www.icc-cpi.int.

[122] Gibson and Long, 2008, p. 5; exit polling conducted in partnership between the Department of Political Science, University California San Diego, and the International Republican Institute. The exit poll included 5495 surveys distributed nation-wide with random selection of polling stations and respondents exiting polling centers.

[123] Ibid, p. 4.

2.7 Reconciliation, Constitutional Reform, and Opportunities for the Maasai?

Under intense international pressure, on February 1, 2008, Mwai Kibaki and Raila Odinga signed the National Dialogue and Reconciliation Agreement which established a government of national unity, with Mwai Kibaki as president and Raila Odinga assuming the newly created post of prime minister. The power-sharing agreement paved the way for the National Accord which was signed by Kibaki and Odinga on February 28, 2008. The second agreement was meant to serve as a framework for a peaceful solution to the political impasse resulting from the botched elections of 2007. Toward this end, the National Accord established both the time frame and process for constitutional, legal and institutional reforms.[124] Specifically, it required the national unity government to undertake broad constitutional review through an inclusive consultative process involving the Kenyan people. Additionally, it stipulated that a draft constitution must be approved by the Kenyan people through a national referendum.

The constitutional review process provided the opportunity for citizens and civil society groups to submit formal recommendations to the constitutional review committee in writing.[125] Within eight months of being established the committee had received 26,451 written memoranda and presentations from members of the public, in addition to 1,917 oral presentations prepared for the Committee of Experts (CoE)

[124] National Accord and Reconciliation Bill, 2008, accessed on October 1, 2012 at www.kenyalawreports.or.ke/klr/fileadmin/pdfdownloads/Bills/2008/The_National_Accord_and_Reconciliation_Bill_2008.pdf.

[125] The Constitutional Review Act of 2009 called for the establishment of a Committee of Experts (COE) consisting of nine members, including two non-Kenyans, appointed by the President after a nomination process by the National Assembly. See the Final Report of the Committee of Experts on Constitutional Review (October 11, 2010), accessed at www.coekenya.go.ke.

from regional hearings and other various consultations.[126] Despite this unprecedented level of public participation in the constitutional review process, many in the minority and indigenous rights communities expressed concerns about the exclusion of minority, indigenous peoples and other marginalized groups on the review committee.[127] However, the Maasai I spoke with did not share similar sentiments about being excluded from the constitutional process.[128] In fact, many interlocutors suggested that the framework provided by the constitution offered unprecedented opportunities for greater political engagement, local control over decision-making, and new avenues to resolve long standing land grievances. Indeed most of the Maasai with whom I spoke agreed that the spirit of the new constitution is fundamentally different than the previous constitution in that it reinforces the principles of equality, inclusion, and fuller participation among Kenya's diverse ethnic communities. However, the optimism expressed by interlocutors was often tinged with apprehension. There seemed to be a nagging question as to whether Kenya's political leaders would follow the blueprint provided by the new constitution. According to one interlocutor, a former district commissioner and local elder, "If the constitution is really going to be practiced as it is written, it will be the

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[126] Final Report, Committee of Experts, 2010, p. 41; of the submissions, 5,212 were received from organized groups, 88 from political parties, 50 from the private sector, 2969 from religious organizations, and 32 from statutory bodies. An addition 1,917 oral presentations from regional hearings were also received by the CoE.

[127] Minority Rights Commission, Consultative Meeting Report, "Anchoring Minorities and Indigenous Peoples' Rights in Kenya's Constitutional Review Process," August 7, 2009; accessed at www.fishersrights.or.ke.

[128] Also see, "Kenya's New Constitution Benefits Indigenous Peoples," published on Cultural Survival, August 12, 2010; accessed at www.culturalsurvival.org/news/kenya/kenyas-new-constitution-benefits-indigenous-peoples.

best thing for Maasai and other minority groups. It will be real change. But, no one knows if that will really happen."[129]

2.8 Constitutional Referendum and the "Birth of a Second Republic"[130]

On August 4, 2010 the proposed constitution passed referendum with sixty-seven percent of Kenyans voting in its favor. On August 27, 2010, the government officially promulgated the new constitution, ushering in a new era of shared governance and equitable distribution of power and resources among Kenya's 42 ethnic groups.[131] At least in principle, the constitution established a new and substantially more democratic system of government. Under the new presidential system, the president is elected directly by the people and does not serve as a member of parliament. While the president retains the power to appoint cabinet and permanent secretaries, these appointments are subject to approval by the National Assembly. In turn, the National Assembly is composed of a lower and upper house rather than a single house as under the previous constitution. In addition, the new constitution calls for the creation of an independent supreme court and the sanctity of judicial independence, a comprehensive Bill of Rights which entitles all Kenyans to certain fundamental rights and freedoms, including access to impartial judicial processes, right to privacy, freedom of association and assembly, economic and social rights as well as freedom from discrimination based on race, sex, ethnic or social origin and religion.[132]

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[129] Interlocutor B.

[130] Yash Pal Ghai and Jill Conttrell Ghai, *Kenya's Constitution*: *An Instrument of Change*, (Nairobi: Katiba Institute, 2011), p. 23.

[131] Ibid., p.iii.

[132] Constitution of Kenya, 2010, Chapter 3, Section 27(4).

Perhaps the most significant change associated with the new constitution is the principle of power sharing between the national and county government. As stated in the constitution, the intent of the devolution of government is "to [give] power of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them." [133] Most important for minority groups such as the Maasai, the constitution includes the following special protections for historically marginalized groups:

(1) The establishment of affirmative action programs designed to ensure that minorities, women, and other marginalized groups are represented in governance and other spheres of life;

(2) The addition of 47 special seats in the National Assembly to be held by women elected by voters of each of the 47 counties to represent women's interests;

(3) The addition of special protections for communally held land, and the establishment of a National Land Commission which will be responsible for advising the government on the land reform policies and for investigating and redressing historic land injustices;

(4) And, special recognition of "community land" held by communities identified on the basis of ethnicity, culture or similar community interest.[134]

2.9 Opportunities and Challenges for Maasai in the New Dispensation of Power

During my time in Kenya, the Maasai I spoke with expressed support for the new constitution. Most were optimistic that minority groups would have greater

[133] Constitution of Kenya, 2010, Chapter 11, Part 1, Article 174.

[134] Constitution of Kenya, Chapter 8, Section 97 (1) (a-c), and Chapter 5, Section 67 (2) (e).

opportunities for participation in Kenya's political system and more 'rights' under the new constitution. Moreover, other institutions established in the wake of the 2007 post election violence offer additional opportunities for the Maasai to seek resolution to long-standing grievances. Specifically, several activists referred to the Truth, Justice and Reconciliation Commission (TJRC) established by the National Assembly in 2008 as being of particular significance to the Maasai. One of the mandates of the TJRC is to establish a comprehensive historical record of violations of human rights committed between December 1963 and February 28, 2008. Most significantly for the Maasai, the work of the Commission also includes comprehensive investigation of land grievances.[135] Several prominent Maasai organizations, including Maa Civil Society Forum and the Kenya Pastoralist Development Network, have already provided testimony before the TJRC on their claims regarding historic and contemporary injustices.

Despite these positive changes, one activist told me that the Maasai community is also facing new social, political and economic challenges. Of particular concern to many Maasai leaders is the manner in which the county assemblies and local administrative structures will be established under the new constitution, and whether the Maasai will gain or lose seats in the National Assembly because of the newly formed constituencies. Another pressing concern for many Maasai is the recent expansion of the Nairobi Metropolitan District into Kajiado County which has contributed to myriad changes in Maasailand, including rapid growth and urbanization in northern Kajiado, land use changes and loss of pastoral lands, increased pressure on natural resources, and sudden demographic

[135] See The Truth, Justice and Reconciliation Commission of Kenya Act, 2008, accessed at www.tjrckenya.org.

changes which threaten to undermine Maasai political representation in Kajiado County.

The following chapter examines these changes in greater detail, and explores the ways they are affecting the Maasai people of Kajiado County. Also presented in chapter 3 is an overview of the national political and social climate during the period of fieldwork, with specific reference to the emergence of ethnicity and ethnic allegiance as a central issue shaping public discourse in the country. It is within this context that the perspectives of Maasai activists and leaders are examined.

CHAPTER 3

THREATS IN MAASAILAND

"All the talk about unity and equality in Kenya is just that, talk." [136]

"The Maasai won't allow others to take electoral seats in the Kajiado County. This situation is a recipe for chaos."[137]

3.1 Chapter Overview

In this chapter I return to Kajiado—the heart of Maasailand—to examine the experiences, perspectives, and strategies of Maasai as they seek to define their place in Kenya. It will be argued here that a prevailing sense of insecurity concerning demographic, political, and social changes in Kajiado reinforce feelings of marginalization and exclusion among the Maasai. Of particular concern to the Maasai are threats to their pastoralist livelihood, and the encroachment of settlements in Maasailand. This chapter seeks to examine Maasai perspectives on these threats and locate them within the larger social and political environment in Kenya as a means to understand Maasai political identity and social mobilization.

The chapter opens with a discussion of changes in Kajiado which have taken place over the past half decade as a result of national policies, constitutional reforms, and demographic changes affecting the Kajiado area. Next the chapter explores several major themes that emerged through interviews with Maasai leaders, including impressions on pastoralism and the meaning of land, development, education, and perceived prejudice against the Maasai. Finally, the chapter

[136] Interlocutor E.
[137] Interlocutor D.

concludes with a discussion of the ways these views reinforce Maasai identity and social mobilization.

3.2 Introduction: The Death of a Kenyan Patriot and a Maasai Brother

On the morning of June 10, 2012 as I sat at a table at a popular café in the heart of Kajiado town preparing for an interview later that day, news broke that a helicopter carrying Minister George Saitoti had crashed in the rolling hills just northwest of Kajiado. Within moments of the report of Saitoti's death, cell phones of patrons in the restaurant sprang to life as text messages and calls spread the news of the crash. Grown men bowed their heads or shook them in defiance of the reports. Children gathered at the entrance of the restaurant to watch the coverage, unable to fully comprehend the disappointment and sadness in the eyes of their parents and elders.

Professor Saitoti had represented the Kajiado North District for more than two decades. At the time of his death he served as the senior Minister of Parliament from Kajiado. He also held the high level cabinet position of Minister of Internal Security. Only weeks before the fatal crash, Professor Saitoti had announced his candidacy for president in the 2013 national elections.[138] Along with Minister William Ole Ntimama—a prominent Maasai leader who holds positions as member of parliament for Narok district and Minister of State for National Heritage and Culture—Professor Saitoti was one of very few national leaders with ties to the community. And, his sudden death brought great uncertainty and unease to the Maasai of Kajiado.

[138] Professor Saitoti was the Presidential candidate for the Party of National Unity (PNU).

In the days following his death, Professor Saitoti was spoken of as a national patriarch and a stalwart leader. In Nairobi, banners draped across city streets proclaimed Saitoti a "True Kenyan Patriot." Though valorized as an exemplary national leader in the media and among prominent national politicians, the Maasai community had a complicated relationship with Minister Saitoti who was of mixed ethnicity, born to a Kikuyu father and a Maasai mother. Though some Maasai considered Saitoti a "true Maasai brother,"[139] a leader who understood the issues facing the Maasai community and could represent them in national politics, others viewed Saitoti's multi-ethnic background as problematic. Many Maasai expressed concern that his allegiance would always be divided unevenly between two constituencies: the minority Maasai and the dominant Kikuyu. Still, Saitoti's rise in power and position in Kenya provided opportunities for Maasai to access resources and gain new standing in Kenya's ethnically-aligned, patrimonial political system.

As one acquaintance explained, "we carry this thing called ethnicity to our professions, to our places of work, to everywhere we go. It keeps on following us."[140] This same individual shared the story of how he obtained grants to attend university during Saitoti's tenure as Minister of Education based on ethnic patronage, saying:

> I think I was purely awarded [the funding] on the basis that I came from Kajiado and I was a Maasai….I knew his personal assistant, he comes from Bisel in Kajiado District, and we developed a very good rapport. I worked closely with him, politically—

[139] Several acquaintances I spoke with referred to Professor Saitoti as a "brother," a term used to reflect strong kinship bonds within the Maasai community, especially among members of an age-set.
[140] Interlocutor C.

> politically in the sense that I mobilized some young people to support them.[141]

This acquaintance explained that after Saitoti left the Ministry of Education he was unable to obtain additional education grants because he could no longer draw upon ethnic connections.

Similar stories of patronage were shared with me in the weeks following Saitoti's death as the Maasai came to terms with the loss of such an important leader in their community.[142] At Professor Saitoti's burial in Kitengela town in Northern Kajiado, Maasai leaders spoke publically about the need to replace Saitoti with a leader drawn from the Maasai community. As former Narok County Council Chairman, Shadrack ole Rotinken eulogized Professor Saitoti at his funeral, he urged the government to replace the Minister with another Maasai leader saying "All our hope was on Saitoti. But the Maasai community has lagged behind in development and we need an able leader to replace him."[143]

In Kenya's formerly highly centralized presidential system, Professor Saitoti provided the minority Maasai critical leverage in national politics. Even for individuals within Maasai society that did not receive direct "material gains" through Saitoti's elevated position in government, the nature of clientelism in multi-ethnic systems such as Kenya is that it reinforces the "less tangible bonds of ethnic identity." [144] As van de Walle finds, for ethnic minorities, "citizens may feel that only a member of their own ethnic group may end up defending the interests of the

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[141] Ibid.

[142] Professor Saitoti served as Minister of Finance, Education, Internal Security and Provincial Administration, and Foreign Affairs. He was also a former Vice President.

[143] Joe Kiarie, "Minister Gets Glowing Tribute as Grief Overwhelms Kajiado," *The Standard*, June 17, 2012.

[144] For fuller discussion see Nicolas van de Walle, "Presidentialism and Clientelism in Africa's Emerging Party Systems," *The Journal of Modern African Studies*, Vol. 41, No. 2: 297-321.

ethnic group as a whole, and that voting for a member of another ethnic group will certainly not do so." [145] As will be explored more deeply in the following sections, the need to promote new Maasai leaders in national politics is viewed as even more crucial for the community in the current political and economic environment, given the uncertainty around national development initiatives taking place in Kajiado County and because of the changing nature of 'local' politics under the new devolved system of government.

3.3 Re-Making Maasailand

"It can be called the Great Trek to Kajiado County…in search of land," opened an article published in the *Daily Nation* in July 2011 referring to the rapid urbanization and growth in population in northern Kajiado. The population growth is partially due to policy changes which are opening up the former pastoral lands to increased development; resulting in increasing land values, rapid land sales and demographic changes in northern Kajiado.

The first major change in Kajiado occurred with the promulgation of the new constitution which called for a devolution of government to the counties. During the constitutional review process it was decided that the establishment of county boundaries should be based on the original 47 administrative units in existence at the time of Kenya's independence.[146] It was believed that the relative geographic size and population distribution of the original jurisdictions was more optimal than devolving government to the current local government structure composed of

[145] Ibid, p. 313.

[146] See Chapter 2 for discussion of the constitutional review process and Committee of Experts.

nearly 350 sub-national districts.[147] In drawing the new county constituency and ward boundaries, Kenya's Interim Independent Boundaries Review Commission (IIBRC) also took into consideration other factors including population density and demographic trends, geographical features, physical and human infrastructure, cost of administration, historical and cultural ties and the views of communities affected by the designation of new constituencies.[148]

From this process, a newly formed Kajiado County emerged as a consolidation of the former districts of Kajiado North, Kajiado Central and Loitokitok. Together these make up the mainstay of the Maasai population. Encompassing over 21,000 km^2, Kajiado County extends from the towns of Ngong and Kitengela in the north to Namanga and Loitokitok on the Tanzanian border to the southeast.

In uniting these three districts the Maasai territory originally established as part of the Southern Reserve under British colonial rule was reconstituted as a legal constituency. While many Maasai reside outside of Kajiado County, including most notably within Narok County, Kajiado County is considered to be the contemporary homeland of Kenya's Maasai and is informally called Maasailand because of its vast reserves of pastoral lands, large population of Maasai people, and the maintenance of traditional communal land arrangements including group ranches. More than half of the population of Kajiado County is Maasai, with Kikuyu and Kamba making up the other major groups. [149](See Figures 3.1 and 3.2)

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147 Ghai, Y. & Ghai, J., 2011, "Kenya's Constitution."

148 J.N. Burugu, *The County: Understanding Devolution and Governance in Kenya* (Nairobi: Centre for Leadership Education and Development, 2010), pp. 93-97.

149 KNBS, 2010: Vol 1A, as cited in Marcel Rutten & Moses Mwangi, "Mobile Cash for Nomadic Livestock Keepers: The Impact of the Mobile Phone Money Innovation (M-Pesa) on Maasai Pastoralists of Kenya, In

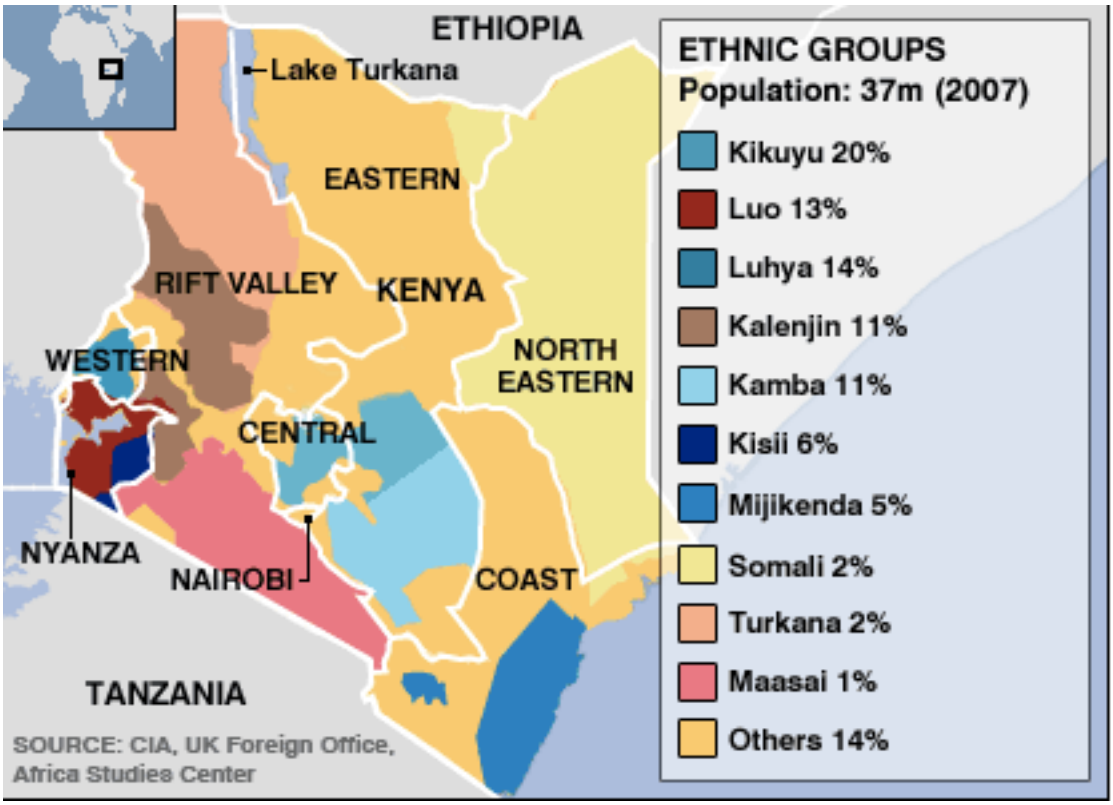

Figure 3.1 Kenya: Geographic Distribution of Ethnic Groups (Source: CIA, UK Foreign Office)[150]

Transforming Innovations in Africa: Explorative Studies on Appropriation in African Societies, (eds) Jan-Bart Gewald, Andre Elivad, Iva Pesa. (2012) The Netherlands: IDC Publishing.

[150] Accessed from http://news.bbc.co.uk/2/hi/africa/7215673.htm on January 10, 2013.

Figure 3.2 Kenya: Political Map of County Constituencies, 2012

3.4.1 Physiographic and Natural Conditions

Despite the large reserves of plains which make pastoralism ideal in this area, Kajiado County is prone to devastating droughts which threaten the pastoral way of life. The most recent drought, ending in 2007, killed more than 70% of livestock and devastated the livelihoods of many Maasai pastoralists in the area.[151] Access to fertile grazing lands and water is a constant concern for Maasai pastoralists. The largest water source, Lake Magadi located in the southern depression of the Rift Valley, contains substantial deposits of soda ash which is commercially exploited. Conflicts over access to Lake Magadi continue to affect the Maasai of the southwestern region of Kajiado County. Though there are three major rivers in the County (the Athi, Ewaso Nyiro and Pakasae rivers), there are only a few reliable tributaries. The County has a bi-modal rainfall pattern consisting of a short rainy season between October and December and a long rainy season between March and May, though average rainfalls vary considerably by altitude. The heaviest rains fall in higher elevations near the Ngong Hills where average rainfall is estimated at 1250mm. At the lower range, Magadi receives less than 500mm per year.[152]

Climate change threatens to increase the vulnerability of the Maasai pastoralists of Kajiado. Recent data indicate that the country has been warming at a rate of 0.5°C since the end of the 1970s; approximately 1.5 times the global average.[153] As rains have become more variable and unpredictable the incidence of

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[151] Ibid, pp. 10, 50.

[152] Kajiado District Development Plan 2008, Prepared by the Office of the Prime Minister, Ministry of State for Planning, National Development and Vision 2030 (June 2009)., pp 9-10.

[153] Janpeter Schilling, Elise Remling, "Local Adaptation and National Climate Change Policy in Kenya: Discrepancies, Options, and the Way Forward." (*Working paper)*, University of Hamburg, Research Climate Change and Security; accessed on December 20, 2012 at http://clisec.zmaw.de.

drought has also increased.[154] While pastoralism prospered in semi-arid regions due to highly successful adaptive strategies which include high mobility and communal management of pasture and water, increasing land pressure and inadequate investment in the development of pastoral areas heighten the vulnerability of the Maasai to the changing environmental conditions.[155] In acute phases such as drought, environmental uncertainty has immediate and profound economic costs. The loss of livestock increases long-term vulnerability for Maasai pastoralists who are unable to recover from one drought to the next. At the same time, the loss of livestock affects the overall GDP of Kenya. In 2009, the loss of livestock income is estimated to have cost the nation's economy more than 38 billion Kenyan Shillings.[156] (See Figure 3.3: Kajiado County Map)

[154] Ibid. According to the Centre for Minority Rights Development, since 2008, Kenya has experience two of the most severe drought in its recent history. During the droughts of 2009 and 2011 more than 2 million and 8 million livestock died respectively. See "Getting the Right Policies to Strengthen Pastoral Livelihoods," Centre for Minority Rights Development, presentation on December 8, 2011.

[155] "Pastoralism and Climate Change: Enabling Adaptive Capacity," *Synthesis Paper,* humanitarian Policy Group, April 2009; accessed at www.odihpn.org.

[156] "Getting the Right Policies to Strengthen Pastoral Livelihoods," Centre for Minority Rights Development, presentation on December 8, 2011.

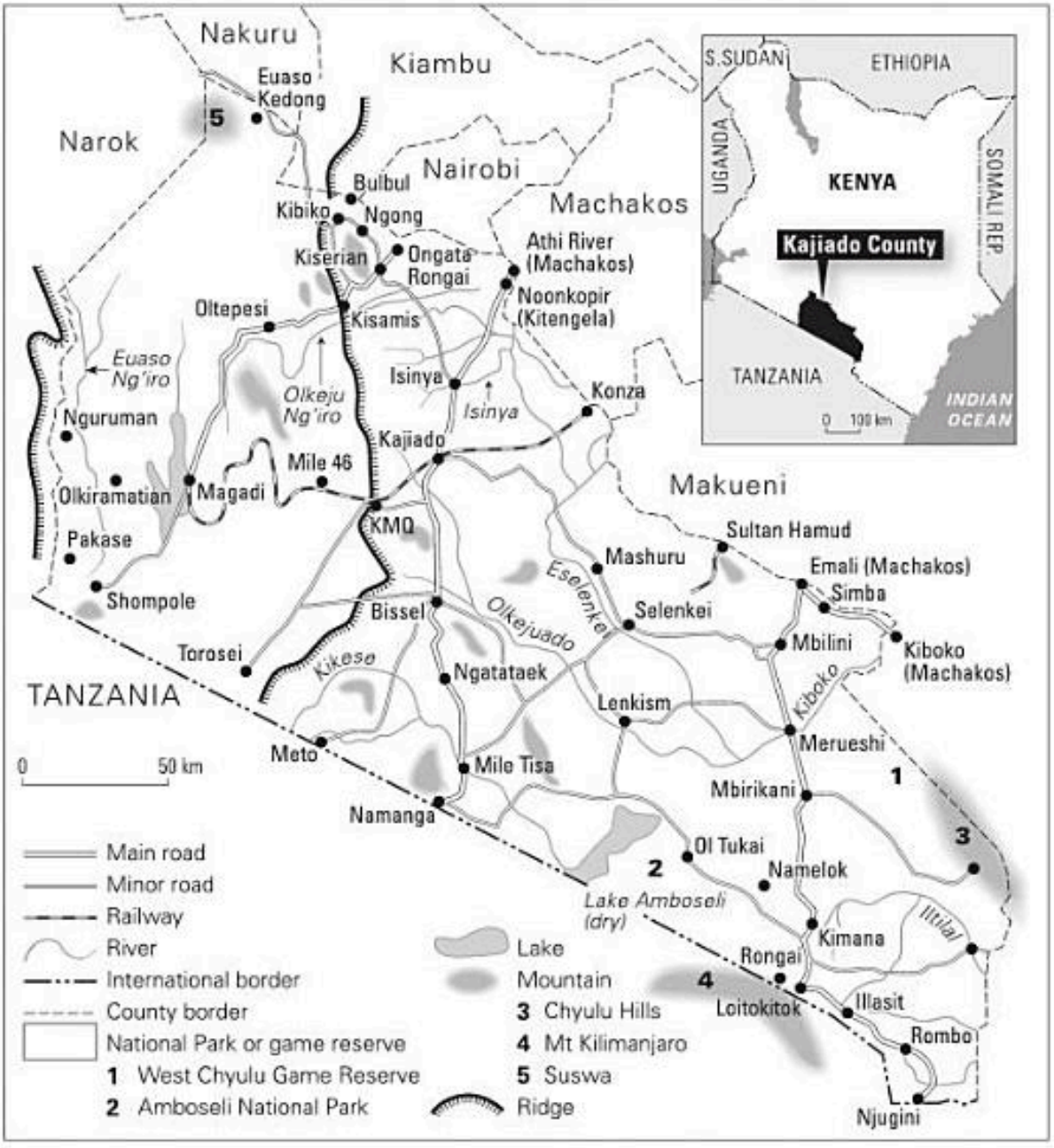

Figure 3.3: Kajiado County[157]

[157] Source: Marcel Rutten and Moses Mwangi, "Mobile Cash for Nomadic Livestock Keepers: The Impact of the Mobile Phone Money Innovation (M-Pesa) on Maasai Pastoralists in Kenya," In *Transforming Innovations in Africa: Explorative Studies on Appropriation in African Societies*, (eds) Jan-Bart Gewald, Andre Elivald, and Iva Pesa. (2012). The Netherlands: IDC Publishing.

3.5 Demographic Changes, Development and Land Use in Kajiado County

Kajiado County has traditionally been defined by semi-nomadic pastoralism which until recently was practiced on land that was communally owned.[158] Group ranches, established by the government in the 1960s and 1970s, were initially viewed as a solution to the rapid adjudication of land for private tenure in the immediate post-independence period. While many Maasai leaders initially accepted the formation of group ranches because of fears that rapid land adjudication threatened the integrity of the Maasai rangelands, it is widely acknowledged that the Maasai did not fully understand the implications of the group ranch approach.[159] Even so, poor management of the ranches and growing desire among many group ranch members to own private title deeds for use as collateral led to the demise of many of Kajiado's 51 group ranches.[160] Continued interest in securing private land tenure has led to the subdivision of group ranches in the past two decades, and a rise in the number of individually owned parcels of land used for pastoralism and increasingly for other purposes including agriculture and development.[161] The wane in financial support from the government in the early 1980s contributed to the interest in private land ownership, as infrastructural facilities began to deteriorate and the management of communal resources (e.g., water pumps, engines and livestock dips) fell on the Maasai leadership within the ranches.[162] As urbanization and settlement

158 Kajiado District Development Plan, 2008, p. 22.

159 J.C., Ng'ethe, "Group Ranch Concept and Practice in Kenya with Special Emphasis on Kajiado District," Report of the Food and Agricultural Organization of the United Nations, accessed at www.fao.org/wairdocs/ILRI/x5485E/x5485e0t.htm.

160 Ibid, pp. 12-13.

161 According to the organization, Dupoto E-maa Olkejuado Pastoralists Development Organization only 12 of the original 52 groups ranches are still in existence today.

162 The Kenya Livestock Development Policy (1980) provided the framework for the establishment of communal ranches for pastoralists. Three externally funded projects financed by the World Bank and the Government of Kenya ensured initial financing for the demarcation of ranches, and the infrastructural

in Northern Kajiado spreads southward along the A104, the main throughway connecting Nairobi to Tanzania, protection of pastoral lands has become one of the most important issues facing Maasai.

3.5.1 Is Kajiado Still Maasailand? The Expansion of the Nairobi Metropolitan District

In recent years, national policies which seek to open up pastoral lands for national development have affected the demographic makeup and priorities for land use in Kajiado. The most significant influence is the expansion of the Nairobi metropolitan area into Kajiado County as part of Vision 2030, Kenya's grand blueprint for economic development and sustainable urbanization. (See Figure 3.4) Vision 2030 seeks to transform Nairobi into a world class African metropolis through the infusion of development funds for city infrastructure and the planned growth of new environs to address high urban migration and poor living conditions in the urban slums of Nairobi.[163] Under the guidelines of this policy a new Ministry of Nairobi Metropolitan Development was established to design and administer the expanded Nairobi Metropolitan Region. With financial and technical assistance from the World Bank,[164] the Ministry seeks to "build a robust, internationally competitive, dynamic inclusive economy" through the creation of a "world class infrastructure and enhanced linkages and accessibility to national, regional and global markets." [165]

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development within the ranches for a limited period of time. See J.C., Ng'ethe, "Group Ranch Concept and Practice in Kenya with Special Emphasis on Kajiado District," Report of the Food and Agricultural Organization of the United Nations, accessed at www.fao.org/wairdocs/ILRI/x5485E/x5485e0t.htm.

163 Republic of Kenya, Ministry of Nairobi Metropolitan Development Resettlement Policy Framework, 2011.

164 The Nairobi Metropolitan Services Implementation Project is an integral element of the Country Partnership Strategy (CPS) between the World Bank and the Government of Kenya.

165 Ibid., p. 1.

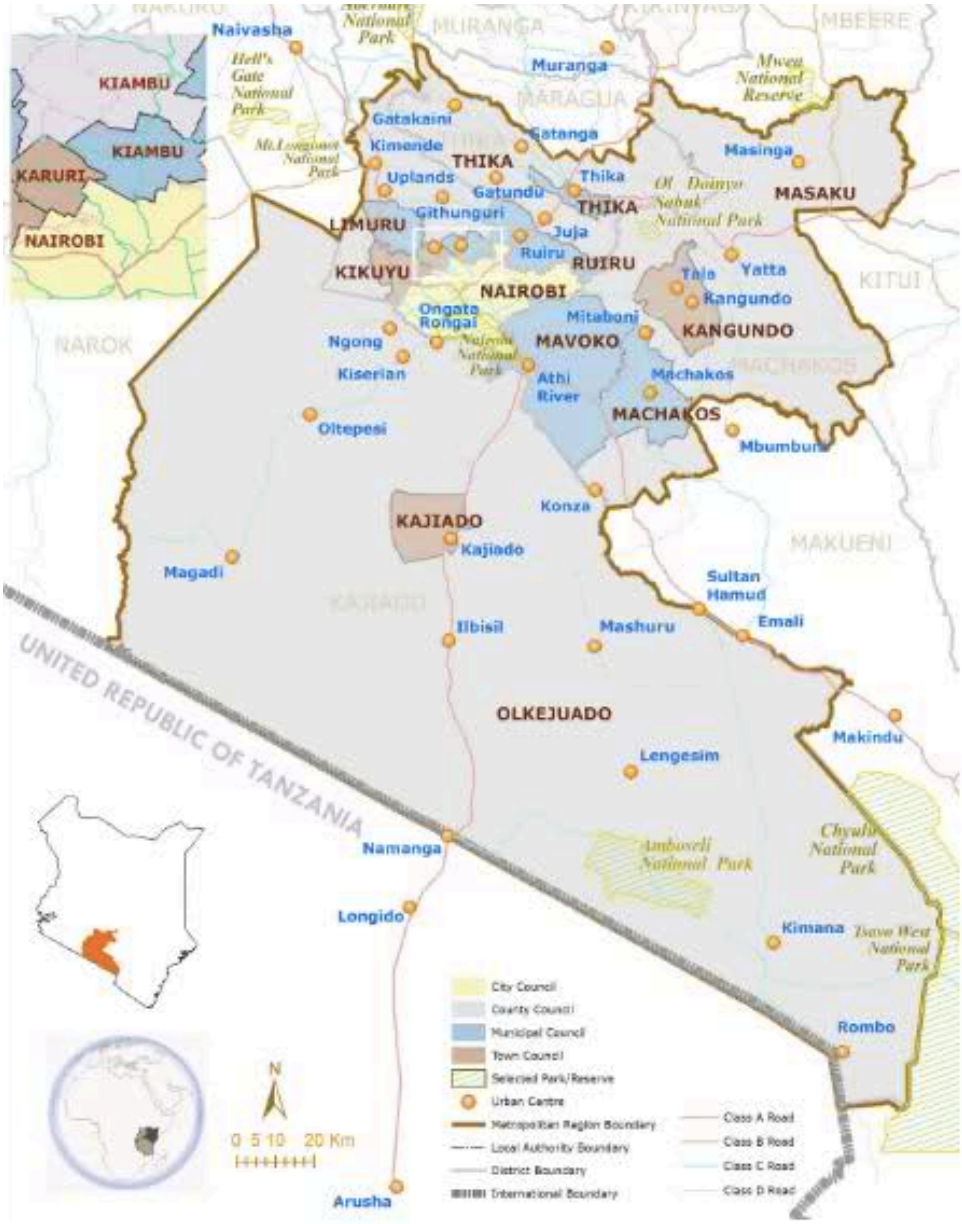

Figure 3.4 Planned Nairobi Metropolitan Region, 2012[166]

With the introduction of the Nairobi Metropolitan Area Bill in 2009 the Nairobi metropolitan region was expanded to include the counties of Nairobi, Kiambu, Machakos and Kajiado; an area spanning 32,000 km^2 with a population of

[166] See Ministry of Nairobi Metropolitan Development at www.nairobimetro.go.ke

more than 6.65 million people.[167] Under the above legislation, the Minister of the Metropolitan District is granted unprecedented authority to acquire land, and establish, terminate, rename, merge or annex a municipality, county or township.[168] As outlined by Vision 2030, the development of the NMR is intimately tied to Kenya's long-term economic health. To meet the goals laid forth in Vision 2030, including sustained average economic growth of 10% per year over the next two decades, the economy of the NMR must grow by 15% a year on average.[169] Increasingly, agriculture is expected to be the main occupation in the rural areas of the NMR, with manufacturing, transportation, construction and service sectors also contributing to the overall economy of the region. Vision 2030 calls for the promotion of these sectors given their significant contribution to Kenya's GDP. In 2009 alone, the NMR's service sector contributed 68% of the GDP, and agriculture contributed another 10%.[170] In 2011, the Ministry of the Nairobi Metropolitan Region released the projected occupational and land use priorities for the major urban centers in the NMR. These projections underscore a rapid occupational shift away from pastoralism in Kajiado County. (See Appendix B for Proposed Occupational Structure and Land Use by 203 in Kitengela, Isinya and Kajiado towns.)

While planning documents acknowledged that the expansion of the metropolitan region will impact on people's livelihoods "and ha[s] direct bearing on land requirements and result in displacements," the risk to pastoralism was not

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[167] Census data based on 2009 data; Information obtained from www.nairobimetro.go.ke.

[168] Saitabao ole, "Nairobi Bill at Best Presmature," *Daily Nation*, March 10, 2009, p. 11.

[169] "Development of a Spatial Planning Concept for Nairobi Metropolitan Region, Study Status Executive Summary, Republic of Kenya, Ministry of Nairobi Metropolitan Development, February 2011.

[170] Ibid, p. iv.

explicitly cited as a concern of the Ministry.[171] In 2009 the County Council of Olkejuado rejected the proposal, arguing that its enactment undermined efforts to decentralize decision-making authority by transferring power from the Town and County Councils to the Minister of the Nairobi Metropolitan District. Despite concerns within Maasai civil society and from local leaders such as Kajiado Council chairman Tarayia ole Kores, several national leaders within the Maasai community including Minister George Saitoti (Kajiado North) and Minister Joseph Nkaissery (Kajiado Central) stayed relatively silent on the issue of expansion. For some leaders within the Maasai community it was difficult to oppose the expansion of the Nairobi metropolitan area given the plan's importance to national development. This was also true for some in civil society who did not wish to be viewed as "anti-development."

Yet, at the same time that activists and political leaders carefully balanced their public statements on the necessity of development in Kajiado County, many privately acknowledged their suspicions that national policies seeking to open pastoral lands in Kajiado are actually part of a strategic, "broader conspiracy" against the Maasai people.[172] At times these concerns were not hidden from public view, as when the town council of Kajiado established a taskforce to examine the impact of the plan, concluding publically that the expansion of Nairobi is part of a

[171] Among the vulnerable groups identified by the Ministry were the poor, elderly, disabled, HIV/AIDS; information obtained from the Republic of Kenya, Ministry of Nairobi Metropolitan Development Resettlement Policy Framework, 2011.

[172] Quote taken from conversations with interlocutor E, however similar sentiments were expressed by interlocutors C, D, and F.

"process started more than 100 years ago to dispossess the Maasai of their land and push the community into extinction."[173]

While such statements may appear hyperbolic, they are at times supported by statements and actions of national leaders from other communities who cast the Maasai as undeveloped and expendable. In one such high profile statement pertaining to the great land buy-out in Kajiado, Kalum Kashuru told the *Daily Nation* that:

> It is not going to end in the near future, not even in the next century because the Maasai have not known anything else beyond a cow…God blessed the Maasai with vast lands and also a slow growing population with no threat of explosion; they will sell land near Nairobi and shift further into the interior to continue their way of life with livestock.[174]

The Maasai take particular exception to such logic, arguing instead that they have been overly accommodating in their willingness to move for other communities or projects such as the establishment of national parks and industrial development. But there is a growing sense of urgency within the community that if they do not take a stand against encroachment now, their way of life will end, and as one acquaintance said, "there will no longer be this people called Maasai."[175]

Despite concerns from the Maasai community, the Ministry of Nairobi Metropolitan Development began implementing their plans in 2009 after receiving 2 billion Kenyan shillings through its cooperative agreement with the World Bank for

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[173] Peterson Githaiga, "Daggers drawn over plan to make Nairobi a metropolis," *Daily Nation*, February 26, 2009.
[174] Emman Omari, "Nairobi moves south: Is pastoralism threatened?" *Daily Nation*, July 7, 2011.
[175] Interlocutor C.

the general administration and planning of the new metropolitan region.[176] One of the initial developments was improvement of the A104 from Nairobi to Namanga; this thoroughfare is now one of the best highways in Kenya, greatly increasing the speed of traffic through Kajiado County and easing the way for development deeper into Maasailand.

3.5.2 Population Growth and Urbanization in Northern Kajiado

The expansion of the Nairobi metropolitan area into Kajiado is transforming the northern region of the county in many ways. With investments in new infrastructure projects, including roads, sanitation and water, northern Kajiado has seen a growth of industry including concrete production and agribusiness. In particular there is rapid growth in the floral industry with hundreds of new greenhouses appearing each year along the A104 and along Athi river. [177]

The changes taking place in northern Kajiado, coupled with its proximity to Nairobi, are contributing to explosive growth and urbanization in the northern towns of Kitengela, Ngong and Ngata Rongai.[178] Official estimates place Kajiado's annual population growth at 4.51% per year, significantly above the national growth rate of 2.9%. It should be noted that this data does not reflect changes in the past few years.[179] Recent data indicates that Ngong town has experienced the highest population growth, and is now the most populated town in Kajiado County with a population of 107,188. The northern town of Kitengela is the second most populated

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176 Peterson Githaiga, "Daggers drawn over plan to make Nairobi a metropolis," *Daily Nation*, February 26, 2009.

177 CSO's County Consultative Forum on the NCCRS Action Plan, Ministry of Environment and Mineral Resources, National Climate Change Response Strategy Action Plan, March 30, 2012., p. 13.

178 Institute for Social Accounting, www.tisa.or.ke, based on 2009 census.

179 Kajiado District Development Plan, 2008.

town, with a population of 58,167. By comparison, Kajiado town, which has also seen rapid growth in recent years, has a population of only 14,000.[180] In its most recent planning report, the Ministry of Nairobi Metropolitan Development concluded that many of the urban centers are (or will be) experiencing "runaway growth rates." The overall forecast for population in the metropolitan region is presented in Table 3.1.

Spatial Unit	2009	2030
Ngong	107,188	412,641
Kitengela	58,167	223,925
Ongata Rongai	40,178	69,664
Kiserian	9,066	34,901
Isinya	8,670	33,377
Kajiado	18,281	70,376

Table 3.1: Nairobi Metropolitan Region 2030 Population Forecast[181]

Based on current planning, it is also reasonable to assume that there will be considerable changes in land use in the NMR over the next two decades due to increasing urbanization and concomitant changes in the demographic and economic outlook of the area. Current plans for the expansion of the NMR suggest that the demand for land will increase in the next two decades, putting pressure on the remaining pastoral lands in Kajiado and Narok Counties. Estimates show that Kitengela and Ongata Rongai in northern Kajiado County will reserve only between 15% and 18% of available land as "open space" by 2030, with the remaining land allocated for urban development. Kajiado town and surrounding areas are expected

[180] Institute for Social Accountability, Kajiado County, accessed at http://kenya.usaid.gov.

[181] "Development of a Spatial Planning Concept for Nairobi Metropolitan Region," Study Status, February 2011, Republic of Kenya, Ministry of Nairobi Metropolitan Development, accessed at www.nairobimetro.go.ke.

to limit "open space" to 17% of the total land area by 2030, with 10% designated as "public and semi-public land" and another 45% designated as residential area.[182]

The issue of population growth and urbanization was the most serious concern for activists within Maasai civil society, including nongovernmental organizations working with Maasai pastoralists to preserve their way of life. Migration into the northern suburbs is increasing pressure on water and sanitation and other social amenities provided by the county.[183] There are also growing concerns about the growth of urban slums, increased street families and insecurity in northern Kajiado.[184] The towns of Athi River and Kitengela have experienced considerable population growth in the past five to ten years. Satellite images of northern Kajiado taken in 2003 and 2011 reveal the expansion of large scale residential settlements as well as the growth of industrial areas along the A104 corridor and Mombasa Highway. (See Appendix A, GoogleImages 1-2 and 4-5.) Pastoral groups expressed serious reservation about the environmental sustainability of such rapid development, noting that the major water sources around Athi River in northern Kajiado are affected by industrial run off and increased demand by the cement and agricultural industries, and high rate of settlement in the northern part of the County. Satellite images taken in 2012 exhibit large scale agricultural greenhouses situated along the Athi River east of the Athi-Kitengela area in Northern Kajiado. (See Appendix A, GoogleImage 3.)

The expansion of settlement and agribusiness along the A104 from Nairobi south to Kajiado town is contributing to an increase in land prices, especially near

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182 Ibid, p. 8.

183 Ibid.

184 Kajiado District Development Plan, 2008, p. 45.

and south of Kitengela where open lands are attracting investors interested in developing the land for residential settlements and agriculture.[185] (See Google Images 6-8 to view development along the A104 north of and in the proximity of Isinya in Northern Kajiado.) Activists and organizations working with Maasai pastoralists indicate that increasing land prices in Kajiado County are causing ripple effects throughout the community. First, there has been rapid selling off of pastoral lands in the northern regions of the County. And, there is growing concern that illiterate Maasai are being subjected to predatory land sales which unfairly compensate sellers. With the high demand for land in northern Kajiado this area has also seen a rise in illegal land sales, including an increase in fraudulent transactions such as falsification of land deeds.

Image 3.1 Photo of Real Estate Billboard along the A104, Kajiado County, 2012

[185] Kajiado District Development Plan, 2008, p. 16.

Image 3.2 Kajiado County, along the A104, 2012.[186]

Many organizations are working to educate the Maasai about the risk of selling their lands for short-term profit and the long-term costs of the loss of grazing pastures. Lack of education and understanding of legal and financial systems increase the risk for Maasai. In particular, there is concern that there will be a rise in poverty and homelessness among Maasai who are selling their lands but not securely investing the revenue. A representative of a pastoral organization working to educate Maasai about land deals explained, "the majority of the Maasai who are selling land are not getting good deals. They are selling land little by little but failing

[186] Residents are increasingly identifying their properties with signs that there land is not for sale. This is a common occurrence in Kajiado County given the rise in in-migration and rapid increase in land sales. The increase of fraudulent land schemes were cited as reasons for such signs.

to invest the money. In the end, many Maasai end up poorer because they spend the money and are left with no land to practice pastoralism."[187]

Some Maasai I spoke with suggested that the buy-out of pastoral lands is part of a strategic plan to "dilute the Kajiado area with non-Maasai."[188] The head of a nongovernmental organization working to promote women in leadership within the Maasai community expressed concern that changing demographics in northern Kajiado would make it less likely that the Maasai could secure a parliamentary seat in the next election, noting "that means Kajiado will slowly become less and less Maasai politically."[189] This is a concern that was echoed by many interlocutors and in casual conversations with the Maasai in Kajiado. Many activists believe that political tension will lead to increased conflict in Kajiado, particularly during elections. One interlocutor noted that the situation in northern Kajiado is "very likely to be a repeat of the Trans Mara incident between Kisii and Maasai…the Maasai will not allow others to take electoral seats in Kajiado County. This is a recipe for chaos." [190]

The changing demographics and population growth has other economic consequences for the Maasai, including increased competition for day labor work in Kajiado because of the influx of migrants from other areas of the country. The cycle of drought and increased pressure to sell land has pushed many Maasai, especially women, into manual labor. Until recently this was a reliable source of extra income for many Maasai families. However, several interlocutors indicated that it is

[187] Interlocutor D.

[188] Interlocutor D.

[189] Ibid.

[190] Interlocutor D; The reference to the Trans Mara incidents relates to the ethnic clashes in the late 1980s and 1990s between the Maasai and non-Maasai in the Trans Mara region of Kenya. See the Report of the Judicial Commission appointed to inquire into tribal clashes in Kenya, *Daily Nation* Special Report found at www.hrw.org.

increasingly difficult for Maasai to find employment outside of pastoralism because "other tribes" are bringing laborers from their own communities into Kajiado for construction and other manual labor jobs. [191] Recent development in Kajiado town is also attracting migrants from other areas of the country. New residential settlements on the western edge of the town have rapidly expanded since 2008. (See Appendix A, GoogleImage 9 for image of Kajiado town, 2011.) According to my interlocutors, while there was hope that the expansion of the Nairobi metropolitan area might create jobs for Maasai, these jobs are not being realized and there has been no concerted effort by the government to train Maasai for employment outside of pastoralism.

Given the changes in Kajiado many Maasai are concerned about the future of pastoralism and the ability of Maasai to compete economically and politically. How to best balance development and the needs of the Maasai community is increasingly part of the public discourse in Kajiado. Many younger Maasai in particular expressed concern about their future as pastoralists and how they will compete for jobs with the influx of new populations if pastoralism becomes less viable in Kajiado. As one activist concluded:

> Much of the land being sold and redeveloped is being turned into agricultural land per the Charles Eliot principle [192] which sought to convert Kenyans to farmers….this has been the bane of the Maasai experience with development. It is what other people

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191 Sentiments expressed by Interlocutors D, E and F in particular. However,

192 Reference to Sir Charles Eliot, the High Commissioner appointed to rule the East African Protectorate for the British Government during the late 19th century and early 20th century. Eliot famously said of the Maasai, "I quite recognize that the stupidity of the Masai (sic) or the brutality of Europeans may render it [intermingling] impossible and therefore we must have a reserve ready if needed." (Hughes, 2006, p. 28) It was under Eliot that the Maasai were forcibly moved from the areas surrounding Nairobi to the Southern Reserve in the Rift Valley, the region that is today known as Kajiado County.

> imposed on us and if it is not fixed there will be conflict.[193]

The changing demographic makeup of Kajiado threatens to further marginalize the Maasai in another important way. Under the newly devolved government, counties receive revenue allocations from the central government based on a formula which considers, among other indicators, population density, geographic size of the county, and overall poverty in the district. Many Maasai I spoke to told me they were stunned to learn that Kajiado County was ranked as the wealthiest county in the country, with an overall poverty rate of only 11.6%. The Commission on Revenue Allocation which released a study supporting its rankings acknowledged that it did not account for inequality *within* counties, specifically the dramatic disparities in wealth between the new urban areas in northern Kajiado and the rural pastoral areas in the County. Leaders in the Maasai community were quick to point out that "Kajiado's riches are concentrated on areas in proximity to Nairobi," principally the rapidly growing environs of Ngong, Ongata Rongai and Kitengela. Some commissioners also noted that the rankings were problematic because "the interior is as poor as any other marginalized area of the country."[194] Indeed, prior estimates of poverty in the former districts of Kajiado north and Kajiado central exceeded 50% in many locations.[195] Maasai in the community expressed great reservation about how they will fare under the new County government system unless they are able to mobilize the community and elect Maasai leaders to represent their interest in national and local governments.

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193 Interlocutor E.

194 Emman Omari, "Kajiado named richest county," *Sunday Nation*, December 18, 2011.

195 Kajiado District Development Plan, 2008, p. 46.

History plays an important role in the way Maasai view their current situation in Kajiado. The influx of migrants from other areas of the country, changing demographics of Kajiado and the loss of pastoral lands serve as constant visual reminders of their changing world. But, for their the most recent changes in Maasailand are simply another part of their long history of marginalization and exclusion that began with the Maasai's experiences under colonial rule and in the early years of Kenya's independence. Though as many interlocutors suggested, recent events are catalyzing the community around a shared sense of urgency.

3.6 The Centrality of Land in Maasai Pastoral Culture

> I think land is an important issue when you talk about the Maasai because it forms the basis of our existence. We keep cows and livestock. So without land, our existence…our survival will be hard. And, we have seen other communities encroaching on Maasai lands. We've seen people who have taken the government in Kenya getting a lot of special interests. I think the government has strategically discussed the taking of Maasai land. This is what we are thinking as the Maasai people.[196]

Many Maasai view the recent expansion of the Nairobi metropolitan area and rapid development of northern Kajiado not as isolated incidents but as part of a long history of marginalization whereby the Maasai have been pushed further to the margins of society. This history is rooted in the original land loss in the Laikipia area north of Nairobi at the hands of the British colonial government in 1904 and 1911. As noted in chapter 2, the failure of government leaders to rectify this land loss and compensate the Maasai continues to fuel animosity within the community. Though

[196] Interlocutor C.

many Maasai in Kajiado are not actively involved in the current fight to restore lands in Laikipia, there is a strong sense of allegiance with the Laikipia clans. As an acquaintance reflected, "the Laikipia Maasai are on the edge. A very sad thing is happening. What should have happened, if we had an honest government regime, is that this land should have been returned. This is the Laikipia clans' land. It belongs to them. We Maasai don't have a problem with our sub-tribes. They should have those lands."[197]

Kajiado also has its own history of land loss. After independence, vast areas of Kajiado north and central districts were given to hundreds of government officials and their relatives, most of whom were not local residents but migrated from other areas of the country. During the early years following independence, the Maasai lost approximately 1/3 of their traditional grazing lands in the districts of Kajiado and Narok.[198]

It is notable that within the current environment there is growing distrust of the government and financial institutions that deal with land. Most Maasai I spoke with suggested that historic biases against pastoralism were at the root of policies which disregarded their people's right to land. As an interlocutor said, since colonial rule, successive regimes have ruled Kenya but the situation has not changed for Maasai; "the colonist envisioned an agricultural Kenya, and thought pastoralism was a waste of valuable land. This is still the perception today, whereby open pastoral lands are viewed as laying idle."[199] Many Maasai also believe that there are systemic barriers in place which discriminate against Maasai by restricting access to

[197] Interlocutor C.

[198] United Nations Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, p. 14.

[199] Interlocutor E.

financial institutions which could serve to advance their pastoral livelihoods or enable Maasai to open businesses or make other investments in their future. I was told several times that major banks working in Kajiado refuse to give loans to Maasai so they are unable to purchase pastoral lands otherwise being bought for development.[200] Part of the problem for many Maasai is that historically livestock has not been viewed as viable collateral for guaranteeing loans, even though the practice of using agricultural crops as collateral is widely accepted. In addition, many Maasai are unable to access credit because they hold land as part of a collective (i.e., group ranch) rather than the possession of individual land tenure. While these systematic biases affect all pastoral communities, the Maasai in particular believe that they have been targeted because of their unique cultural understanding of the meaning of land and learned adaptation to encroachment.

For Maasai, land is deeply rooted in cultural preservation of their pastoral roots. In particular, the Maasai I spoke with noted that a Maasai must keep cattle and have access to open land to be a true Maasai. Even professional Maasai living in urban centers maintain homesteads in Kajiado or surrounding areas. As I was told, this is part of the Maasai's ongoing need to "retrace history…and reinforce [their] culture and ethnic identity."[201] As one activist said of the threat imposed by land loss:

> It would be the end of the Maasai people. On the basis of our culture, on the basis of our occupation as pastoralists, on the basis of our future because we will

[200] Two such banks mentioned by name were Equity Bank and Family Bank. Equity Bank is prominent throughout Kajiado County, in particular in the northern areas of the County and Kajiado town. However, while this researcher did not find documentation to support discrimination, similar stories of discriminatory banking practices were relayed to me by numerous interlocutors and acquaintances.
[201] Interlocutor E.

> not have anywhere for our kids…no land for the future to inherit.[202]

Pastoralism is the center of important cultural activities, including age-set ceremonies and bride wealth payments, which maintain an important place in contemporary Maasai society. While many Maasai noted that certain cultural practices, including female circumcision, polygyny and early marriage are becoming less acceptable, pastoralism remains integral to the cultural roots of the Maasai people and there is a strong sense that it must be maintained.

Some Maasai I spoke with suggested that traditional beliefs about land and the avoidance of conflict among the Maasai are partly to blame for their history. As one elder put it, "old Maasai tradition was to give space to make peace. So the Maasai move deeper into Kajiado to create space for new communities."[203] But, increasing land pressure is making it more difficult to find open space. Numerous interlocutors made reference to the fact that the Maasai have been "too accommodating" by allowing other communities to move them onto new lands, only to continue encroaching on what remains of their open pasture. "To avoid conflict, we simply move to open space," another interlocutor suggested. "But, now we are restricted by new borders and less and less land in Kajiado."[204]

3.7 Opportunity, Prejudice and Being Maasai in Kenya

As demonstrated here, one of the most common perceptions expressed by Maasai I spoke with is the belief that they are prejudiced against and strategically

[202] Interlocutor D.
[203] Interlocutor B.
[204] Interlocutor E.

marginalized in Kenya. Lack of opportunity based on ethnicity was cited time and again by interlocutors and acquaintances as being at the root of the Maasai problem. Though there were differing views on the nature of the prejudice—some arguing it was negative stereotypes of pastoralists, others suggesting it was principally misperceptions about the Maasai—universally, there was a feeling that the Maasai do not have equal opportunity in Kenya.

Lack of opportunity, even among highly educated Maasai, reinforces strong feelings of isolation and exclusion. Many Maasai share a strongly held belief that exclusion based on ethnic stereotyping of Maasai as 'backward' and 'uneducated' restricts their individual opportunity. Others acknowledge that even when Maasai are highly educated they face discrimination and exclusion. An acquaintance who received a university degree in nursing reiterated a story of how he was placed in a clinic in central Kenya during the final stages of his nursing training only to find that his supervisors refused to speak the common national language, Kiswahili. Instead, his supervisors and fellow students communicated almost entirely in their mother tongue, Kikamba—a language he did not know. Even after expressing his frustration and making requests to use the common national language, his supervisors refused to accommodate him.[205] Ultimately, he was transferred to a local clinic in the Kajiado area where he finished his training. He largely blamed his experience on the fact that decisions related to placement of nursing students in training centers is made centrally in Nairobi, and "often by Kikuyu" who discriminate against the Maasai. I heard similar stories from other interlocutors that suggest language is often used to exclude individuals who are not from the same ethnic group. Some even suggest

[205] Interlocutor A.

that it is a growing trend in major urban centers to use the mother tongue rather than the national languages of English or Kiswahili.[206] As a consequence Maasai medical professionals continue to be relegated to the most impoverished areas of the country, often returned to the rural areas of Kajiado, where salaries are considerably lower and opportunities for advancement are severely restricted. The interlocutor concluded, "sometimes it feels like we are still being colonized in our own country."[207]

When questioned about the nature of prejudice against the Maasai, many individuals with whom I spoke indicated that it is because there is a prevailing sense that their pastoral livelihoods and customs are "backwards." Many also expressed concern that the Maasai have been historically misunderstood by the larger ethnic communities who were able to harness power in postcolonial Kenya. Nearly every Maasai I spoke with relayed similar stories of discrimination in daily life. For some the discrimination came in the form of being denied opportunities for employment or education. For others prejudice was experienced as negative stereotyping, as when one interlocutor relayed a story of riding on a *matatu* where several Kikuyu were speaking in their native tongue about the fact that the Maasai are "uneducated, stupid and useless people." [208] This prejudice is felt even by younger, professional Maasai who have largely abandoned the traditional aesthetic identifiers of 'being Maasai,' such as expanded earlobes, wearing of a *shuka* (traditional red cloth draped as clothing) and shaved heads for women. When asked what cultural signifiers

[206] It should be noted that Kenya's national languages are English and Kiswahili. The official language of business and the proceedings of the state is English, and both languages are taught exclusively in secondary school and university. It is common for professionals to be fluent in both national languages and their mother tongue.

[207] Interlocutor A.

[208] Interlocutor A.

define the Maasai today, most Maasai I spoke with acknowledged that being Maasai is based on several important characteristics. Principal among these is the continued practice of pastoralism and maintenance of strong bonds with age-mates and extended kin. While many young Maasai indicated that they are adapting to more contemporary cultural practices such as monogamous marriages and the pursuit of higher education, there is a strong sense that they are losing the remaining cultural identifiers that define the Maasai society without the benefit of being accepted as full citizens with equal opportunity.

3.8 Ethnic bonds and Maasai Political Identity

One of the consequences of this marginalization is a strong desire among the Maasai to reassert their cultural heritage, and 'Maasainess'. Numerous interlocutors expressed to me that the Maasai, more than any other group in Kenya, have worked to maintain their cultural heritage. For instance, one interlocutor suggested that only recently have the larger ethnic groups sought to celebrate their cultures through cultural theme nights in Nairobi, or other public events—a fact he attributed to their need to correct for the ills of society brought with development and the "abandonment of their cultural roots."[209] The cultural bonds established within Maasai society emerge in interesting ways in discussions about the political and economic situation in Maasai communities. Most notably, expressions of "pride" about being Maasai are routinely interlaced with declaratives about "protecting their culture," or "ensuring the survival of the Maasai people." These

[209] Interlocutor E.

sentiments were shared—nearly universally—among the Maasai with whom I spoke.

These findings suggest the shared experience of marginalization and economic and political vulnerability seems to reinforce cohesiveness within the Maasai community. Most notably, it seems that prevailing notions of exclusion contribute to the production of powerful shared beliefs among Maasai whereby they view themselves as under threat by other ethnic communities. As a consequence of these shared experiences, bonds within the Maasai community, particularly among youth and women, are seemingly strengthened. Most interestingly, it seems that the long-term systematic prejudice against Maasai actually reinforces traditional cultural institutions that place value on maintaining strong age-set bonds and allegiance to extended family. In essence, shared feelings of exclusion and marginalization appear to strengthen Maasai 'groupness'.

In talking with youth groups (composed of male youth between the ages of 16 and 30) I found that allegiance to their age-mates, and the Maasai community in general, is strengthened by their shared sense of economic vulnerability, especially for those individuals with little education and few job prospects in Kajiado. As a key example, in a small village approximately 15 kilometers south of Kajiado town, one group of young men, locally referred to as "the brokers," congregate every evening at the mouth of the main road to their village located directly off of the A104. Often they are waiting until passing lorries stop in search of laborers, at which point 10 to 15 young men climb onto the back of the lorry and are whisked off into the night. At other times—as witnessed on more than one occasion during the course of field work—the brokers stop passing vehicles trying to enter Kajiado town to sell charcoal or other goods in order to extort "fees" from merchants perceived to be "outsiders".

I was made to understand that these individuals were "protecting" the local market for their Maasai brethren who also sell goods in Kajiado. The youth also secure the village from "outsiders" who are believed to come from Nairobi into the rural areas of Kajiado to steal from the Maasai or try to "scam" the Maasai out of money, at times by pretending to be officials of a government Ministry.[210]

3.8.1 Solidarity and the Emergence of a Maasai Political Identity

This research suggests that the current economic, political and social environment in Kenya may be serving to reinforce traditional Maasai systems of allegiance, whereby unity and cohesiveness in the community is the best hope for individual success. Indeed, the notion of 'brotherhood' is already deeply engrained in Maasai society as part of the kinship bond between age-mates. The solidarity shared by Maasai is then enacted through the production of a particular political identity which places importance on the advancement of the Maasai ethnic group. In essence, shared perception of exclusion permits sufficient social solidarity to turn individual Maasai into an *active* ethnic group. In turn, social solidarity may be more readily channeled into political participation because of the opportunities created by the historic and contemporary political and economic realities for Maasai, and most importantly, the shared sense of vulnerability based on their assignment in the Maasai ethnic category. [211] As Brubaker, 2002, might suggest the transfer of identity from individual, or other category (e.g., religious, class etc.) to ethnic category

[210] Several such instances were relayed to me during the course of the research including one situation in which individuals attempted to extort money from the local medical clinic by claiming to be in the employment of the National Health Service. As they were run off by the brokers, residents of the village told me that they feel safer with the brokers protecting their community.

[211] Drawing on Kasfir (1979), see introductory chapter.

reflects a shared perspective on the world. In this case, there is a strong sense of threat against the Maasai ethnic group which greatly restricts individual opportunity and denies individuals the rights to full citizenship in Kenya. The devolution of government to the newly formed counties, and recent economic and demographic changes in northern Kajiado, may also be reinforcing Maasai groupness in ways not seen in recent years since the perceived 'threat' to their way of life is increasing under current conditions, and the risk of loss of representation is greater under the county government structure.

Full integration into Kenyan society is a priority for the Maasai, but notably, the claim-making made in reference to specific grievances continue to call for special recognition of the Maasai people. For example, in rectifying long-standing grievances regarding historic land loss, leaders in the Maasai community led by several prominent organizations are considering the establishment of a special Maasai foundation to be funded by compensation paid to the Maasai by the government of Kenya. The foundation would support the interests of the Maasai by funding special development projects in local Maasai communities.

Another option expressed by the Maasai community in its testimony before the Truth, Justice and Reconciliation Commission on their historic land loss is to establish a special Maasai bank that would ensure that Maasai pastoralists have access to credit to enable the continuation of the pastoral livelihood.[212] Other leading Maasai organizations in Kajiado noted that they were trying to create "critical consciousness" among the Maasai people to unite them in action to protect their

[212] Interlocutors C & E; based on written testimony provided by Interlocutor C before the Truth Justice and Reconciliation Commission.

communities and way of life—and specifically Maasailand.[213] Maasai I spoke with also suggested that a priority of the community is to elevate Maasai leaders to national prominence and to build linkages among Maasai communities to foster greater social mobilization and political unity. Indeed one of the most interesting findings is that Maasai believe that they have to focus *more* on ethnic solidarity in response to contemporary threats. In particular, there is a strongly held belief that the success of larger ethnic groups, specifically the Kikuyu, to maintain their political and economic advantage derives from their tactical use of ethnic patronage to gain standing and power in Kenya—power the minority Maasai have been unable to harness.

3.9 Conclusion

As noted, the overwhelming shared sense of marginalization among Maasai emerged as a central theme in this research. The recent demographic changes and rapid development in Kajiado offer a unique opportunity to explore the perspectives of Maasai in relation to issues of land, economic and political vulnerability, and most importantly, the continuation of cultural practices such as pastoralism. I suggest that deeply held beliefs about the state of the Maasai community reinforce existing social structures, including age-set bonds and allegiance to extended clan relations, which substitute for more liberal (i.e., individualized) notions of citizenship and participation. The cycle of exclusion from the broader Kenyan society, particularly in Kenya's clientelist political system, only reinforce ethnic solidarity—as Maasai view their best strategy being derived from ethnic unity.

[213] Interlocutor F.

Chapter 4 examines the political claims being offered by the Maasai and attempt to locate the Maasai social movement within the political, cultural and economic milieu of contemporary Kenya. In doing so, I hope to offer an overview of the opportunities and challenges ahead for the Maasai social movement.

CHAPTER 4

THE FUTURE OF THE MAASAI SOCIAL MOVEMENT: OPPORTUNITIES AND CONSTRAINTS

4.1 Introduction: The Maasai and Kenya's New Democratic Dispensation

There have never been more opportunities than today for the Maasai to achieve the recognition and inclusion they have so long sought in Kenya. Though political progress has been curtailed by centralized governments and deeply engrained systems of ethnic patronage since independence, recent reforms appear to be ushering in a new era of democratic openness and inclusion. Following the period of deadly post-election violence in 2007, many Kenyans realized that if the country would continue to function as a united entity it would need to take aggressive steps to undercut the forces of division. With this sea change, a renewed sense of citizenship and collective aspiration for national unity was born. Under the glare of the international community, Kenya undertook comprehensive and wide-ranging reforms with the goal of forging a new path toward national stability and prosperity. The primary impetus for the reforms came from persistent popular demand for a more equitable and democratic government as the only way to achieve lasting peace in Kenya.

Land continues to be one of the most contentious issues in national politics—often conjuring deep historical wounds stemming from the colonial and immediate post-colonial policies. The new legal framework for land provided by the constitution offers a meaningful path toward the reconciliation of historical grievances through the enactment of policies and processes aimed at fostering

greater transparency and legitimacy in land transactions.[214] Looking forward, the Maasai will have considerable opportunities to help frame the national debate on land reform. Maintaining constant pressure on national leaders to uphold their commitment to these reforms is one of the most important contributions the Maasai community can make in the national land debate. This is particularly true given emerging concerns about the sustainability and reliability (i.e., funding and support) of institutions designed to resolve long-standing grievances and historic injustices regarding land.

The Truth, Justice and Reconciliation Commission (TJRC) spent more than a year meeting with ethnic communities to put on record historic injustices experienced during Kenya's early independence. However, despite initial optimism, Maasai leaders who participated in meetings with TJRC officials are concerned that the commission may be limited in its capacity to follow through on terms of reconciliation discussed with the community. In particular, discussions between TJRC officials and several Maasai communities raised expectations that the government would financially compensate the Maasai for historic land loss. Yet, there is little indication that the TJRC has the authority to guarantee financial compensation or other forms of restitution. Indeed, it seems implausible that the government could commit to financial compensation to every community who has been wrongfully dispossessed of land and natural resources. However, the real danger is in raised expectations. If the processes established to foster national unity offer no real means to redress historic grievances, the most likely consequence will be a deepened sense of marginalization and animosity among the Maasai.

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[214] The three main components of the new framework are the independent National Land Commission (established in 2012), the Land Registration Act of 2012, and the Land Policy Act of 2012.

Given national development priorities and the current political environment in Kenya, it seems that there are two overriding concerns for the Maasai community. First, the Maasai must take advantage of opportunities provided by the devolution of government by capturing power within the counties where they have a political stronghold. These include, principally, Kajiado and Narok Counties. Second, the Maasai must be careful to position their political claims within the larger national interest. That is, conflict between the Maasai community's interests and the national agenda must be minimized.

By way of example, of greatest concern to many Maasai in Kajiado County is the expansion of the NMR into pastoral lands and the concomitant effect on land prices in the County. Indeed, the national focus on strengthening the industrial, service and agricultural sectors within the NMR is a major obstacle for the Maasai as they seek to protect the remaining open lands for traditional pastoral use. At the same time, the role of pastoralism in the national economy is still greatly undervalued, and therefore largely ignored in long-term planning for the nation's economic development. Because of this, planning for long-term land use as a basis for national economic development often favors the very sectors (i.e., agricultural and industrial) that most severely threaten pastoral lands in Kajiado and Narok Counties. As competition over land increases, the Maasai will be forced to adopt more strategic means to promote pastoralism. Accepting the primacy of development arguments forces an evolution in the language of advocacy within the Maasai social movement. In particular, it will become essential for the Maasai to provide economic justification for the continuation of traditional pastoralism, especially as practiced on open (often communally managed) lands. One suggestion offered by interlocutors was the promotion of pastoralism as an essential economic

activity contributing to Kenya's overall economic health, resource management, and environmental conservation.

In addition to the economic pressures imposed by the expansion of the NMR, many predict increasing tension between the Maasai and other groups moving into Kajiado and Narok Counties, especially as changes in demographics threaten to shift the balance of power in an area that was once a Maasai stronghold. At a time when it might be more difficult to elect Maasai leaders, it is also true that securing local political seats has never been more important to the community. During the period of fieldwork, Maasai civil society leaders expressed great concern over the prospect of losing political influence in Kajiado County, in particular. While devolution provides the opportunity for greater local control over the distribution of resources and decisions on development, drastic changes in the social and economic landscape of the country could potentially deepen the marginalization of the Maasai.

4.2 Political Representation in the New Kenya: All Politics is Local

On March 5, 2013, Kenyans went to the polls in the first national elections since the passage of the new constitution. Though it was expected that neither leading presidential candidate would meet the constitutional threshold in the first round of the elections,[215] Jubilee Alliance candidate, Uhuru Kenyatta, was declared the victor after securing just over 50% of the popular vote.[216] Of the leading six presidential hopefuls, the prominent Maasai candidate, Professor Ole Kiyiapi,

[215] The constitution established that for candidates to meet the first-round threshold they must exceed 50% of the popular vote nationwide, and garner at least 25% of the vote in each province.

[216] Despite presidential candidate Raila Odinga's appeal to the Supreme Court to overturn the decision of the IEBC to award the presidential race to Uhuru Kenyatta due to claims of voting irregularities during the March 5 election, the Supreme Court dismissed Odinga's petition and President Kenyatta was sworn into office on April 9, 2013.

garnered only 18,274 votes (less than 1% of the total). Despite the small showing in the election, throughout the campaign Professor Ole Kiyiapi's candidacy allowed the issues facing the Maasai community to feature on the national political stage. During the country's first-ever televised presidential debates, he spoke at length about the issues facing marginalized communities such as the Maasai. He was also called upon to discuss the issues of poverty, education, land, and the environment and how they affect the Maasai and other pastoralist communities in particular.

While many Maasai I spoke with were disappointed with the election of Uhuru Kenyatta and his running-mate William Ruto, there was an overwhelming sense of optimism given the overall success of Maasai candidates. Prominent Maasai leaders secured the Governor seats in both Narok and Kajiado counties and a number of Maasai candidates were elected to the national parliament and county assemblies.[217] In particular, the election of relatively unknown candidate, Dr. David Ole Nkedianye, to the seat of governor in Kajiado County offers the Maasai a unique opportunity to influence regional and national policies as they relate to land and resource management. Dr. Nkedianye earned a doctorate in Ecology and Natural Resource Management at the University of Edinburgh and completed a doctoral fellowship at Harvard University where he conducted research on drought-coping strategies among the Maasai of Southern Kenya. His expertise on the critical issues facing the Maasai will be a tremendous resource for the community. As Governor, Dr. Nkedianye will have the opportunity to impact national development policies (such as the expansion of the NMR) which are viewed as most threatening to the community. As one interlocutor expressed in the days following the election, "I have

[217] Dr. David Ole Nkedianye secured the seat of Governor of Kajiado County, and Samuel Kuntai Ole Tunai secured the seat of Governor in Narok County.

got my president already… Ole Nkedianye! It doesn't matter who wins at the top."[218]

The re-election of long-time Maasai leader, Joseph Ole Nkaissery to represent the Kajiado Central Constituency in parliament was one of many local victories for the community. Also of great significance, Peris Tobiko became the first-ever woman elected to parliament from the Maasai community when she ousted a longstanding male Maasai leader to represent Kajiado East. The head of a prominent women's pastoralist organization, Ms. Tobiko focused her campaign on addressing the issues faced by rural Maasai women, a historically underrepresented community even within Maasai society. Other notable Maasai candidates that secured seats in parliament including Moses ole Sakuda (Kajiado West) and Mr. Katoo ole Metito (Kajiado South).

4.3 Seizing Opportunities: A Strategy for the New Political Dispensation

The election of Maasai candidates at the national and local level is a considerable advantage to the community as it seeks to elevate its position in Kenya's political economy. Based on conversations with leaders within the Maasai social movement, there are currently several prevailing political demands being made by the Maasai of Kenya. These include:

(1) Greater participation in public decision making through increased representation at the national and local levels;

[218] Interlocutor A, public post on Facebook.

(2) Fair and equitable access to educational and economic opportunities, including equal access to higher education, job training, and credit and banking services;

(3) Redress of historic land grievances through compensation or other forms of restitution;

(4) Preservation of the pastoral livelihood;

(5) And, ensuring the continuation of the Maasai culture.

Of principal concern to many Maasai are the structural asymmetries that perpetuate poverty, illiteracy, lack of economic opportunities and limited political representation. Yet there are also deeper issues of identity that complicate their political demands and the direction of the Maasai social movement in Kenya. Persistent calls for greater cultural autonomy and preoccupation with protecting the 'Maasai way of life' suggest that these issues continue to underlie their political contestations. In other words, the Maasai want to be accepted as full citizens within Kenya while also preserving their status as a unique ethnic group within Kenya's larger national identity.

However, in the post-2007 environment, ethnicity as a rallying point for social mobilization may prove increasingly problematic and ineffective. Though there are legitimate claims to be made on behalf of the Maasai community, for instance as they relate to shared historical injustices such as communal land loss, advancing the Maasai cause through the instrumentality of ethnic identity will be increasingly criticized as being discordant with the government's stated objective of promoting national unity. Paradoxically, to the extent that the government may not be freely committed to genuine reform, the Maasai could suffer further marginalization on

account of framing their political claims in ethnic terms. It should also be noted that while pursuing ethnically-based strategies is often considered a political necessity for Kenya's ethnic minorities, many Maasai with whom I spoke also openly criticized members of the larger ethnic groups, particularly the Kikuyu, for exploiting Kenya's deeply rooted system of ethnic patronage. It is a paradox of Kenyan politics that mobilization based on ethnicity is both viewed as essential to political power and destructive to the dispensation of democracy. Indeed, this research finds that ethnic minorities such as the Maasai believe they often have to simulate (or adopt) the strategies for participation *learned from* the dominant ethnic groups who have historically monopolized access to power and resources by maintaining strong ethnic bonds and systems of ethnic patronage.[219] This finding contradicts those of authors such as Ndegwa (1997) who argue that majority ethnic groups have been able to cultivate concepts of citizenship and nationalism based on republican ideals that abandon ethnic allegiance while minority ethnic groups show greater resistance to moving way from ethnic solidarity.

The reality for ethnic minorities, such as the Maasai, is that they are not likely to dominate public discourse in the way that larger ethnic groups can, nor can they always control the way their own political demands are framed within the national context. Given these challenges, the Maasai social movement must concern itself with the limited long-term utility of ethnically-based political claims and strategies. Strategic alliances with other communities with common interests—particularly other pastoral communities—may prove to be a more effective strategy for advancing their political and economic objectives.

[219] See discussion on citizenship, including Ndegwa's research, in Chapter 1.

4.4 Identity and Politics: The Centrality of Pastoralism to the Maasai Social Movement

As previously noted, there exists a strong desire on the part of the Maasai to maintain their unique cultural identities. Discussions with members of the Maasai community suggest that *contemporary* Maasai identity is in many ways embodied in the practice of **pastoralism**. For many Maasai, particularly those who are educated, engaged in other professions, or who primarily reside in urban areas, pastoralism is not simply an economic activity. Rather, it is an important cultural identifier linking Maasai to forms of indigenous knowledge, traditional beliefs, and cultural practices which are believe to be lacking in contemporary Kenyan life. The continuation of pastoralism enables Maasai to participate in cultural rituals and social protocols which reinforce a sense of identity and order within, and obligation to, the Maasai community. For many urban-dwelling Maasai, pastoralism is the locus of their cultural practices and beliefs. Indeed, professional Maasai living outside of pastoral areas often maintain homesteads in rural areas near their families, returning to perform *weekend pastoralism* for the benefit of remaining connected to the central tenets of Maasai traditions and customs. As it was described by many professional Maasai, by remaining connected to pastoralism, they are reminded of important cultural principles embodied in the ideas of brotherhood and community (e.g., the practice of coming together to aid individuals and families as signified through the social event, called *harambee* in Kiswahili), and the Maasai's relationship to the natural world.

The fact that pastoralism is central to contemporary Maasai identity may make it a viable rallying point for the social movement. Indeed, the fight to preserve *traditional pastoralism* brings together the most important political, economic and

cultural claims being made by the Maasai. By focusing on pastoralism, cultural arguments are made more substantive, as they are better positioned within a framework that focuses on economic and environmental gains for the community and nation as a whole. To the extent that pastoralism is elevated within national discourse, the Maasai are still able to advance their cultural demands because the contemporary Maasai culture is so deeply tied to *traditional pastoral* practices.

While pastoralism is still greatly undervalued within the larger national political economy, there is reason to believe that it is becoming an important issue in national economic and social discourse. For instance, economic and environmental issues facing pastoralist communities were discussed at length during the first televised presidential debate in February 2013. Though the two leading candidates for president expressed divergent views on the future of pastoralism and the government's role in supporting pastoral communities, the fact that the candidates were asked to state official positions on this issue is an indicator of its growing significance in national politics.[220]

4.5 Pastoralism as Innovation: A Strategy for the Maasai Social Movement

One of the clearest opportunities for advancing Maasai interest in the political economy of Kenya is related to the growing national and international interest in pastoralism and pastoral communities. In addition to the many international

[220] Raila Odinga argued that the government needs to work to "economically diversify pastoralists communities" given the "unsustainable" nature of the livelihood in light of climate change. Uhuru Kenyatta, the leading Kikuyu candidate, disagreed with Odinga's assessment, instead argued that the government has a role in turning the "livestock industry into a productive sector." Kenyatta called for reforms to "train and re-educate the pastoral communities" while also ensuring "improved range management and water supplies." Source: NTV YouTube airing of complete Kenya presidential debate, February 11, 2013.

organizations and institutions, there are also several prominent national advocacy groups that support pastoralism. The most important perhaps is the Pastoralist Parliamentary Group (PPG) which was formed in the late 1990s as an informal caucus within the Kenyan parliament.[221] Composed of members of parliament who represent pastoral communities throughout Kenya, the PPG offers an important opportunity to increase political power within the national government by uniting the interests of all pastoralist communities. The PPG also works regionally and across national borders to influence policies within the East African Community.

A considerable barrier that must be addressed by the Maasai civil society is the limited cooperation which exists between pastoral communities and nongovernmental organizations working on their behalf. Although there are several national pastoral NGOs, there is a need for the pastoral communities to forge a united front for the purpose of advancing their community's interests. Part of the stigma all pastoralists face is the perception that pastoralism is not an economically viable livelihood. However, prominent pastoralist organizations are seeking to promote pastoralism as an important economic and environmental activity by re-conceptualizing the politics of *sustainable* development within a more holistic framework that includes traditional pastoralism. It is argued by some Maasai that since traditional pastoralism requires highly specialized knowledge of environmental and resource management, the continuation of this practice may ensure a more sustainable approach to land use and economic development. In light of growing concerns over urbanization and environmental damage caused by rapid settlement and industrialization within the environs of Nairobi, some Maasai

[221] John K. Livingstone, "A Comparative Study of Pastoralist Parliamentary Groups: Kenya Case Study," report of the NRI/PENHA Research Project on Pastoralists Parliamentary Groups, DFID's Livestock Production Programme and the CAPE Unit, African Union's Interafrican Bureau of Animal Resources.

leaders argue that communal management of open land is the best (perhaps only) way to preserve what is left of the natural African landscape.

Rather than being seen as simply a cultural practice, pastoralism must be repositioned as a highly adaptive economic strategy that enable practitioners to maximize productivity and contribute positively to the overall economy. Several international research institutions are working to promote pastoralism through research which seeks to examine its contribution in economic terms. In 2012, the Intergovernmental Authority on Development Livestock Policy Initiative (IGAD) issued a report on the contribution of pastoralism to the Kenyan economy. By quantifying the contribution of pastoral products to Kenya's GDP, the report challenged the methods used by the Kenyan National Bureau of Statistics (KNBS) which has heretofore driven national discourse on economic development. The report calls for the KNBS to revise its national accounting methods, and publically acknowledge the significant role pastoralism plays in Kenya's growing economy.[222] IGAD demonstrated, for example, that more than 80% of Kenya's beef is supplied by pastoralists and there is growing demand for their products. Currently, Kenya is a net importer of beef, with nearly 20% of Kenya's import coming from the neighboring countries of Ethiopia, Sudan and Somalia.[223] The report also found that the majority of Kenya's milk production does not flow through official channels and there are limitations in the monitoring of prices producers receive for their milk and how these prices vary by season, livestock species, or locality.[224] The IGAD report further suggests that other pastoral products, especially milk, which constitutes

[222] IGAD Livestock Policy Initiative, "The Contribution of Livestock to the Kenyan Economy," IGAD LPI Working Paper No. 03-11, 2012.
[223] Ibid, p. 7.
[224] Ibid, p. 39.

more than 70% of the value of livestock's contribution to the agricultural GDP, are not appropriately valued by the KNBS.[225] Studies such as these could go a long way to buttress the argument that pastoralism is an indispensable force in the national economy. Unfortunately, while several major NGOs working with pastoralist communities were highlighting the IGAD report during the period of fieldwork, there was no concerted effort to promote the significant finding contained within the report through the media or in national political circles.

The current state of affairs calls for strategic collaboration between Maasai groups and other groups sympathetic to their cause. The formation of a national coalition which can serve as an umbrella organization representing the collective interests of pastoralist communities may be one way to ensure better coordination and collective action at the national level. In addition, as the IGAD report demonstrates, adopting the language of science, technology and economics to position pastoralism as a potent force in modern Kenyan political economy is an important strategy to combat the public perception that pastoralism is a primitive way of life incongruent with the exigencies of contemporary national development.

At the same time, it is important to point out that efforts within the Maasai community to advance the practice of pastoralism are integral to actually improving the economic viability of pastoralism, not simply its public image. For example, new applications for cell phones allow pastoralists to access up-to-date market information to optimize the sale and acquisition of livestock. Many Maasai organizations are also working directly with pastoralists to promote new prophylaxis treatment regimen to prevent parasites in livestock as an integral part of

[225] Ibid, p. 6.

a comprehensive public health campaign to reduce the spread of parasites to humans and improve the quality of beef and dairy products.

These efforts to change the practice (and perception) of pastoralism are critical to advancing Maasai interests. Uniting with a broader coalition of pastoral communities and organizations may be the best chance for the Maasai to gain political power and impact the policies affecting their community. While there are some indications that the Maasai are open to this strategy, more must be done by leaders within their communities to stress the importance of coordination and collaboration within Maasai civil society as well as the larger national pastoralist community.

4.6 Maasai as Leaders in a New Cultural Movement

As previously discussed, the Maasai social movement includes demands for cultural recognition. For many Maasai, there is a concern that in the push for development Kenya risks losing its unique cultural heritage. These leaders are calling for cultural revival on the national level, where all ethnic groups may be celebrated as an integral part of a collective and diverse national identity. Because pastoralism is integral to the Maasai way of life, the focus on preserving traditional pastoralism will go a long way to ensuring cultural preservation. However, some activists within Maasai civil society believe more should be done to promote cultural harmony and tolerance in the context of a multiethnic Kenya.

Several Maasai activists were concerned that there has been no effort to celebrate Kenya's diverse ethnic heritage, as reflected in the type of discrimination the Maasai have suffered. They argue that ethnicity has been used only as a divisive tool in the economic and political spheres of life. To combat what they see as a

cultural deficit, several activists I spoke with are advocating for a revision of the national education curriculum to include comprehensive cultural education aimed at elevating Kenya's multi-ethnic heritage. Rather than "regulating against ethnicity," many Maasai leaders argue that ethnic diversity must be understood and celebrated. While instituting a comprehensive cultural education policy may be a longer-term goal, it should be a part of a long-term policy of national reconciliation and reconstruction desired to accommodate both large and minority groups in a new democratic Kenya. For example, despite being one of the largest and most powerful ethnic groups in Kenya, the Luo have historically been discriminated against by the Kikuyu because of their cultural practice of not circumcising men.

In the course of my field work, two popular songs came under scrutiny in Kenya for lyrics which suggest that the Luo are unfit to lead the nation. One song, titled "Uhuru ni Witu" (Swahili for *Uhuru is our Son*, in reference to Kikuyu presidential aspirant, Uhuru Kenyatta) made reference to the biblical command to circumcise boys to mark their entry into manhood. Another song titled "Hague Bound" included the following lyrics which speak to the mistrust between the Kikuyu and Luo communities and the cultural practices which prejudice the respective ethnic groups:

> What if you knew that you are being pushed to the Hague by an uncircumcised man who wants to push you there and take over your wife and all your wealth? A man who can do anything to ensure you are in problems. Then, it is better to die. Things for men are not governed by an **uncircumcised man**. I would kill him. It's better they increase my charges…… what would you be thinking of the **uncircumcised man** who is the source of your predicament? I would ask God to forgive him. I would also ask that he gets circumcised so that he

> matures mentally. **I would also ask Kenyans to be wary of that man**. (emphasis added) [226]

While the Maasai may be at a political disadvantage because of their minority status, they are also uniquely positioned to become leaders in a new cultural movement. In a time when Kenya continues to struggle with ethnic division and conflict, the Maasai offer a new approach to cultural diversity which calls for more recognition and celebration of *all* cultures, not simply their own. The Maasai already have a political leader well-positioned to lead this cultural revolution in Minister William ole Ntimama who serves as Kenya's first Minister of National Heritage and Culture. By elevating the role of the Maasai in promoting cultural revitalization in Kenya, they may be able to redeem their own image as forward thinking leaders rather than relics of Kenya's antiquated past.

4.7 Harnessing Power from Within: The Rise of Maasai Women and Youth

In recent years, the rise of women and youth have changed the dynamics of the Maasai social movement in potentially very positive ways. The recent election of Ms. Peris Tobiko to represent the Kajiado East constituency suggests that there is a progressive movement within the Maasai community which is more equitable and inclusive than the former patriarchal system. The high rate of youth unemployment, especially in rural Kajiado, contributes to instability within the community. Feelings of exclusion and marginalization are high among the youth, particularly males, who are unable to fully enter adulthood (i.e., marry, establish a homestead, and bear children) because of limited economic opportunities. The delay of their transition to

[226] "Kenya: Musicians Probed Over Hate Speech," (June 28, 2012), *Africanews.com*; Joyce Nyairo, "The Politics of Popular Music: When Exactly Does a Song Become Hate Speech," *Daily Nation*, July 17, 2012.

adulthood is particularly disruptive to Maasai society, which traditionally requires young men to advance to higher positions of power and authority within their families and communities once they attain the requisite age and position in life. These factors, as well as perceived undervaluation of pastoralism's role in Kenyan economic life are motivating many youth and women to enter the political sphere.

Several interlocutors working with NGOs told me that they believe young men and women are becoming increasingly frustrated with Maasai elders who are blamed for many of the changes in Maasai society, including most significantly the recent selling of pastoral lands for development which many see as ensuring the demise of future generations of pastoralists. Today, more than ever, Maasai women and youth are clamoring for greater opportunity within the society to stem the steady loss of Maasai culture and resources they have witnessed throughout their lives. Subsequently, there has been a rise in the number of youth groups and women's organizations aimed at elevating women and youth to positions of leadership. The influence of women on the Maasai social movement, and national politics, is an interesting area of future research. In addition, the role of international aid and development organizations in this movement should also be considered given the international focus on empowering these populations as part of comprehensive development. For the Maasai, growing acceptance of women in politics marks a fundamental cultural shift. In the rural areas, many Maasai women are still discouraged (or prohibited) from engaging in politics without the explicit permission of elder men in their families. The transition to greater gender equity in the political sphere, and in particular, broad support for women leaders such as Peris Tobiko are positive developments for the once paternalistic Maasai society.

4.8 Conclusion

This chapter identifies the challenges and opportunities facing contemporary pastoralist Maasai and offers recommendations for future political engagement and social mobilization. In particular, findings suggest that rapid industrialization, settlement, and environmental degradation in the northern region of "Maasailand" (principally defined as Kajiado County) is viewed as most threatening to the livelihood and future economic development of the Maasai. In addition, the concomitant demographic shift is considered a threat which may further marginalize the Maasai politically, especially in areas once considered Maasai strongholds. It is difficult to predict how the expansion of the NMR into Kajiado and Narok counties might effect the solidarity of the larger Maasai movement over time given that the effects of development (both negative and positive) will be experienced differently across the Maasai population. The unity of the Maasai community during the 2004-2005 protests—which was largely driven by historical grievances held by the Laikipia Maasai—suggest that even local-specific issues may serve to reinforce solidarity among the larger Maasai community. Yet, there are many unknown variables to consider. For instance, devolution of government to the newly formed counties and wards may also influence the social organization and political mobilization of the Maasai. In particular, if decisions affecting Maasai communities are increasingly made at the local level, it may become more difficult (or infeasible) to mobilize the Maasai in nationwide social movements.

Finally, it is also possible that fractures within the Maasai community, if they do arise, will fall along not geographic (i.e., based on different political constituencies) but generational lines. This may be true especially if younger Maasai who are seeking entry into sectors of the economy outside of pastoralism are able to

utilize the opportunities availed to them through the expansion of the NMR and other national development initiatives (e.g., accessing employment opportunities in emerging sectors such as construction and the service industry, job training, or advanced education). Of course, the benefits of development in Maasai areas must materialize for this transformation to occur. As noted in this chapter, many Maasai expressed concern that while development brought new jobs to the area, the Maasai have not been the major beneficiaries because of the influx of populations from other areas of the country who are migrating to northern Kajiado in search of employment.

CHAPTER 5

Conclusions

The objective of this thesis was to explore the historic and contemporary cultural, economic, social, and political factors which reinforce social mobilization and political participation among Kenya's Maasai. As stated in the introductory chapter, the Maasai make an interesting case study of ethnic social movements given their long tradition of social mobilization and political claim-making regarding land dispossession, and economic, social, and cultural marginalization. In this research I sought to examine the experiences, perspectives, strategies, and action repertoires that characterize the Maasai social movement in Kenya by locating the contemporary movement in a historical context. Though this research included interviews with leaders of national NGOs and civil society organizations, I elected to focus on the Maasai community of Kajiado County given the geographic significance of this area and because of the magnitude of large-scale development projects occurring in this region of the country today.

This study sought to understand the complex nature of ethnic allegiance by examining the individual perspectives and experiences which reinforce ethnically-based political identity and social mobilization among the Maasai of Kenya. One of the particular challenges for this study was the inherent problem associated with defining a singular Maasai ethnic community. Because what it means to be Maasai may be ever-shifting and evolving, any social mobilization or political claims made by individuals or groups identifying themselves as Maasai may not be quantifiable or stable. In examining the broad literature on ethnicity, this study draws heavily on the work of Brubaker (2002) who argues that we must reject the tendency to utilize

conceptions of "ethnic groupism" which treat ethnic groups as internally homogenous and externally bounded, collective actors with a common purpose. Instead, Brubaker suggests that ethnicity is best conceptualized as not a "thing in the world" but a "perspective on the world."[227] Within this cognitive frame, the work of this research was to understand how and why ethnic and national categories take on meaning in the daily life of Maasai, inspire solidarity, and animate the Maasai into social action. However, since as Young (2000) suggests, group-based movements are often derived not from ethnic or cultural difference per se, but from "relatively constituted structural differentiations," this research also sought to contextualize the Maasai situation within the larger economic, political, and cultural environment in historical and contemporary Kenya. [228]

Chapter 2 explored the history of the Maasai, first during the pre-colonial era when the Maasai emerged as a distinct group from the larger Maa speaking population. Next, I examined the experiences of the Maasai vis-à-vis other ethnic communities during the process of state formation in Kenya. Indeed, this history demonstrates that the Maasai's contemporary political identity is greatly informed by historical interactions between the Maasai and other ethnic groups throughout the period of state formation, in particular in the late colonial and early post-independence period. The forced relocation of Maasai to permanent settlements in the southern Rift Valley and the loss of land and livestock experienced under British colonial rule are identified as central factors positioning the Maasai on the periphery of Kenyan society.

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[227] Brubaker, 2002, pp. 174-175.

[228] Young, 2000, *Inclusion and Democracy*, Oxford: Oxford University Press, p. 7-13.

Building on my theoretical approach to understanding ethnic mobilization, chapter 2 argues that the Maasai's engagement as a distinct ethnic constituency during the colonial and immediate post-colonial eras served to reinforce a particular political identity based on collective feelings of marginalization and exclusion. Deep animosity regarding the loss of land under British occupation, and the failure of post-independence regimes to rectify these injustices only exacerbated social solidarity and the making of the contemporary Maasai political identity. In particular, the failure of national leaders to resolve historic grievances with regard to land loss and reluctance to provide for more equitable distribution of resources and greater representation of minority groups in national government came to define the Maasai's antagonism to the ethnic majority-led regimes of Daniel Arap Moi and Mwai Kibaki.

The thesis next sought to locate the Maasai in contemporary, post-reform Kenya. In particular, it is argued that while the wide-ranging constitutional reforms of 2010 offer the Maasai new opportunities to engage in the political and economic spheres of society, there is a prevailing sense of insecurity among many Maasai because of recent demographic, political, and social changes in the country, particularly in Kajiado County, which has seen rapid development and in-migration in recent years. National development priorities which favor industrialization, agriculture, and the construction of peri-urban settlements to alleviate urban crowding are translating into increased competition over land and other natural resources in many areas of the country. This is particularly true in northern Kajiado and Narok Counties where the expansion of the Nairobi Metropolitan Region is causing rapid changes in land use, and demographic and economic transformations.

As chapter 3 demonstrates, the rapid development of Maasailand contributes to increased feelings of economic, political, and cultural vulnerability within the Maasai community. In particular, among many Maasai are concerns about the loss of pastoral lands, demographic shifts, and concomitant economic marginalization that comes from increased competition for employment in other sectors of the economy. What is most significant among the findings are that these contemporary experiences only serve to reinforce long-standing feelings of marginalization and exclusion based on what the Maasai view is a systematic prejudice against them. While there were differing views on the nature of the prejudice—some arguing it was negative stereotyping of pastoralists in general, others suggesting there is a bias against the Maasai in particular—universally, I found that the Maasai believe they are denied equal opportunity in Kenya based solely on 'being Maasai.' Lack of opportunity due to "discrimination," (an oft used term among interlocutors, even among highly educated Maasai) it is suggested here, appears to reinforce strong feelings of isolation and exclusion and the desire to foster greater ethnic solidarity among Maasai as a strategy for engaging in the political and economic spheres of society. The persistence of ethnic solidarity among the Maasai may be attributed in great part to the nature of Kenya's political history of ethno-linguistic division and clientelism. However, I also found that one of the consequences of the shared feelings of marginalization and exclusion among the Maasai is a strong desire to reassert their cultural heritage and 'Maasainess.' This seems particularly significant among the youth (culturally defined as persons between 15-30 years old).

Indeed, as chapter 3 concludes, collective feeling of exclusion may be an important catalyst for Maasai 'groupness' and group formation in contemporary Kenya as it reinforces cohesiveness within the community. Considering Brubaker

(2002), it might also be true that moments of intense conflict, or perceived threat, represent times when ethnic identity (and solidarity) among Maasai crystalize and are animated into action. The 100th anniversary of the Anglo-Maasai treaties in 2004 which sparked nationwide protests among the Maasai, the death of Professor Saitoti in 2012 and subsequent election cycle, and policies such as the expansion of the NMR into Kajiado and Narok counties may all represent such crystalizing moments for the Maasai.

There is also some indication that shared feelings and experiences of marginalization among Maasai youth may serve to reinforce traditional social structures, specifically the age-mate structure among groups of Maasai who come of age at the same time. Age-mate bonds play a central role in social relations among Maasai youth with whom I spoke, and age-mate solidarity may to some extent explain why there is a perceived need to protect one another from outside influences and 'threats'. In short, the collectivism reinforced through the age-mate structure may give way to a deepening of ethnic bonds and a strengthening of ethnic solidarity. If this is true, ethnic allegiance may be viewed by the Maasai as the best strategy for participation in Kenya's political system.

In chapter 4 I examined the dominant political claims being made by the Maasai as well as their strategy for political participation in post-reform Kenya. Of principle concern to many Maasai is the need to remove the structural asymmetries that perpetuate poverty, illiteracy, lack of economic opportunities and limited political participation within the community. Yet, as I point out, there are also deeper issues of identity that complicate the Maasai community's political demands and the direction of the social movement. In particular, calls for greater cultural autonomy and the preoccupation with protecting the 'pastoral way of life' suggest

that preservation of the unique cultural and historical identity of the Maasai people continues to underlie their political contestations and social mobilization.

Because demands for cultural and ethnic recognition may, at first glance, appear contradictory to the Maasai's demands for full inclusion it is important to explore more fully the cultural claims being made by the Maasai. Indeed, as I point out in chapter 4, discussions with members of the Maasai community suggest that *contemporary* Maasai identity is in many ways embodied in the practice of pastoralism. In this way, pastoralism is not simply an economic activity, but rather, it remains an important cultural identifier linking Maasai to forms of indigenous knowledge, traditional beliefs, and cultural practices which are viewed as otherwise lacking in Kenyan life. Therefore, many of the cultural claims being made by the Maasai *may* be most accurately described as demands for the preservation of pastoralism, or alternatively, claims *against* policies that threaten the pastoral way of life.

While the Maasai's social movement in Kenya sheds light on the way ethnic solidarity *works* to reinforce ethnic bonds, social mobilization and political claim-making, especially for minority ethnic groups, an examination of the contemporary Maasai social movement also elucidates the limits of ethnic claim-making within the complex social, political and economic environment in Kenya. One of the recommendations made in this chapter relates to the elevation of pastoralism as a central tenet of the Maasai social movement. In particular, it is argued, a focus on pastoralism allows the Maasai to build strategic alliances with other domestic pastoral communities, and draw upon the collective political power of international movements to support pastoralism and promote fuller inclusion of pastoral communities in national development policies. This may include building support to

aid pastoralists in their transition into other sectors of the economy. This recommendation is based in part on the realization that political mobilization based on non-ethnic social identities or characteristics, such as membership within a larger pastoralist community or as part of a national platform to increase the participation of women in politics, may prove more strategic and effective as a means to advance the Maasai's political demands. This is especially true in a post-reform Kenya which may be increasingly less tolerant of ethnically-based social mobilization.

Chapter 4 also examines other changes within Maasai society which may ultimately serve to advance the social mobilization and political representation of the community in local and national politics. Two of the most significant developments are the increased acceptability of Maasai women in politics and the increased mobilization of organizations representing the interest of women and youth in Maasai society. Both of these developments may be viewed within larger social context in Kenya including provisions in the new constitution which provide special protections for these groups, and call for more equitable representation of women and youth in national government. However, as I discuss in this chapter, the elevation of women into politics within Maasai society marks a significant cultural shift within the historically patriarchal Maasai society, and should be an interesting area of future research.

It seems that within the context of the changing political, economic and social environment in Kenya the Maasai may finally gain the political power and position to resolve their long-standing grievances. In particular, the devolution of government offers them greater control over decision-making and resources at the local level, especially as it relates to the development of pastoral lands. However, national development priorities may continue to present significant challenges for

the Maasai community. Two such priorities for future consideration include the national objective to achieve middle income nation status by 2030, and the administration and continued development of the expanded NMR.

Future research should also consider how the ongoing demographic changes and rapid development in Kajiado and Narok Counties affect the Maasai community in the coming years. Few environmental impact studies or demographic studies have been conducted to date to quantify the changes in population, land use, and ecology in northern Maasailand. Likewise, as previously stated, the influence of societal changes within Maasai society should be examined in future ethnographic studies. Of particular interest will be the influence of increasingly politically active women and youth on the Maasai social movement.

Finally, and in conclusion, while the Maasai made significant gains in terms of political representation in the first election under the new constitution—and indeed there is great optimism within the community with respect for the opportunities at hand—it remains to be seen whether devolution and the new dispensation of democracy will finally provide the power, authority, and autonomy for which the Maasai have so long fought.

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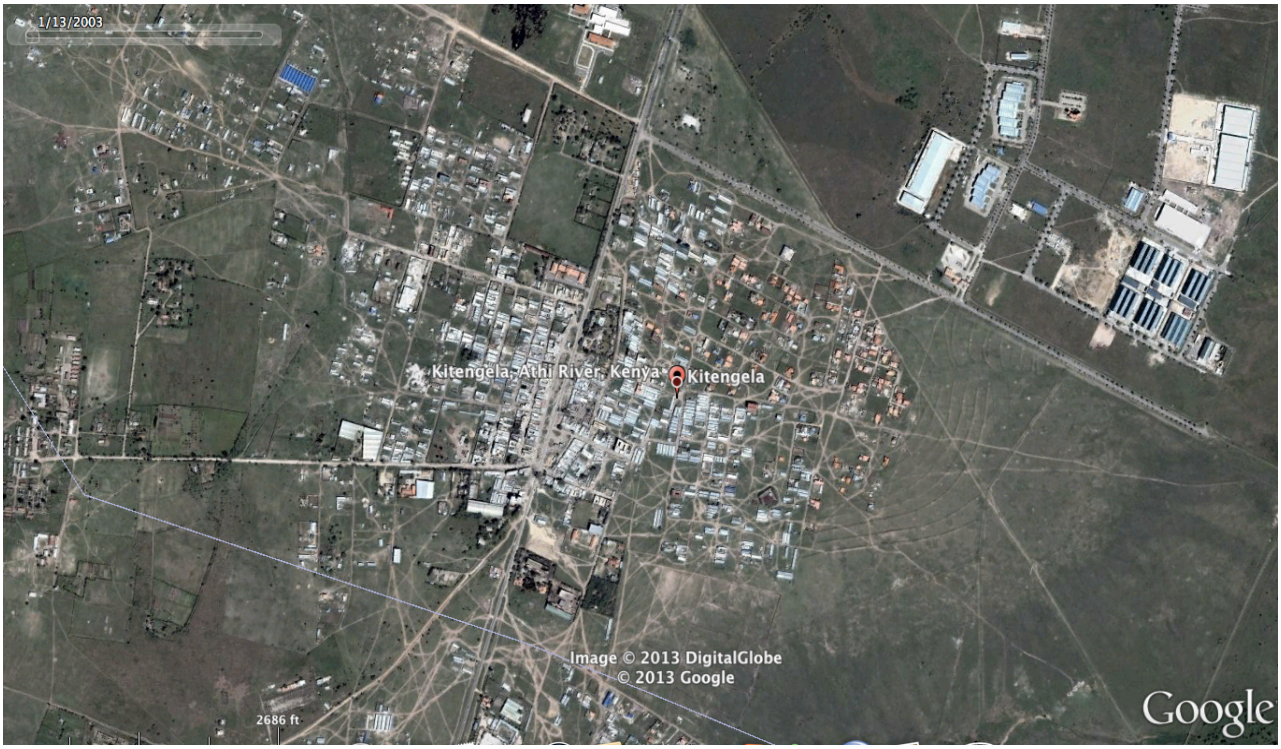
APPENDIX A

GoogleImage 1: Athi River, Kajiado County North, 2003

GoogleImage 2: Athi River, Kajiado County North, 2013

GoogleImage 3: Athi River Growth of Greenhouses, East of Athi-Kitengela, Northern Kajiado County, 2012

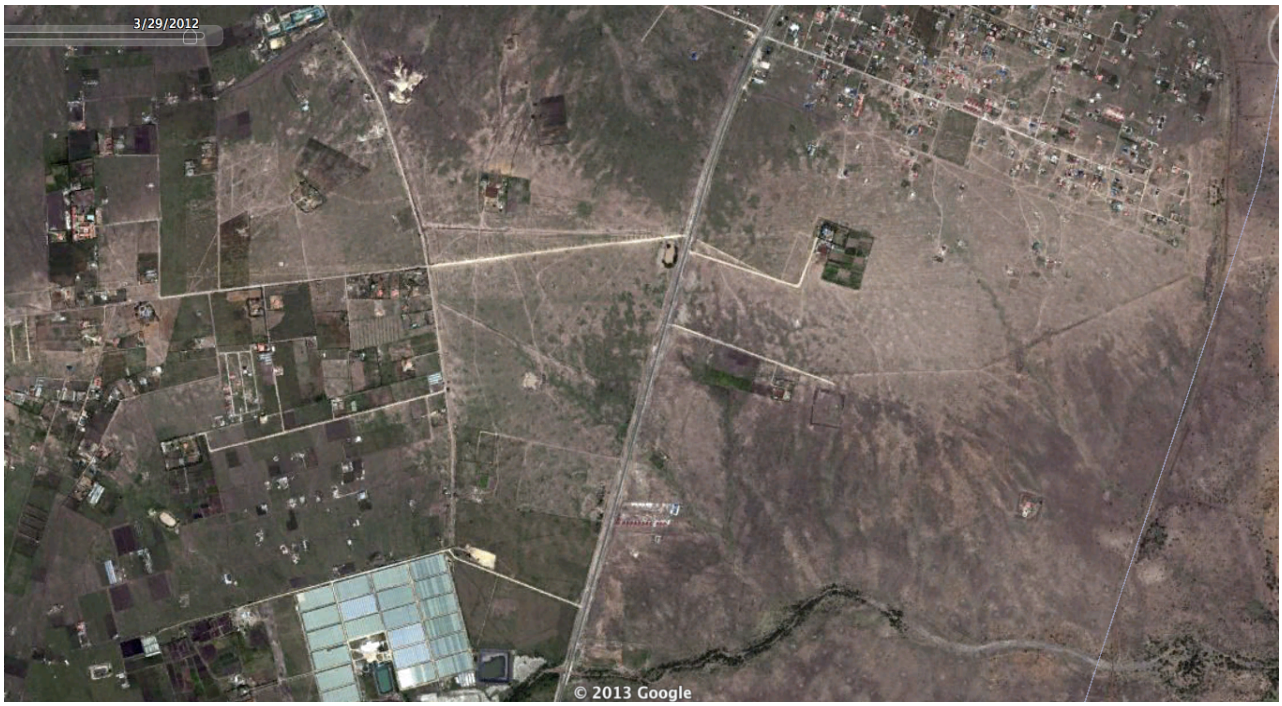
GoogleImage 4: Kitengela, Kajiado County North, 2004



GoogleImage 5: Kitengela, Kajiado County North, 2012

GoogleImage 6: South of Kitengela Town, Along A104 toward Kajiado Town, 2003

GoogleImage 7: South of Kitengela, Along A104 toward Kajiado Town, 2011



GoogleImage 8: Isinya, South of Kitengela, Kajiado County, 2011

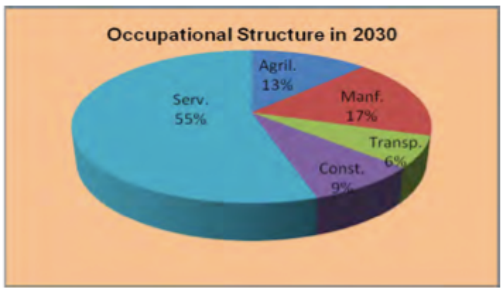
GoogleImage 9: Kajiado Town, Central Kajiado County, 2011 ***(Historical images not available)***

Source: All GoogleMaps images obtained from GoogleEarth ©.

APPENDIX B

Proposed Occupational Structure and Land Use, Kenya 2030

Chart 1: Kitengela



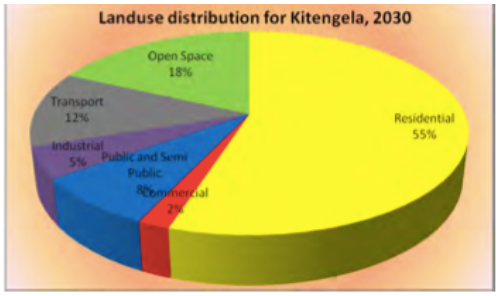
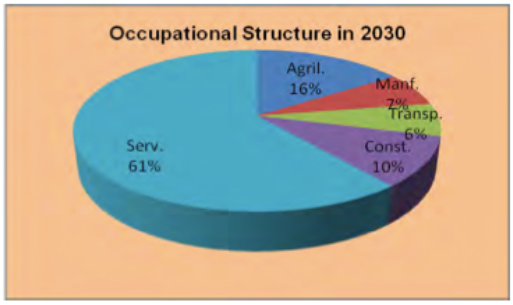


Chart 2: Isinya



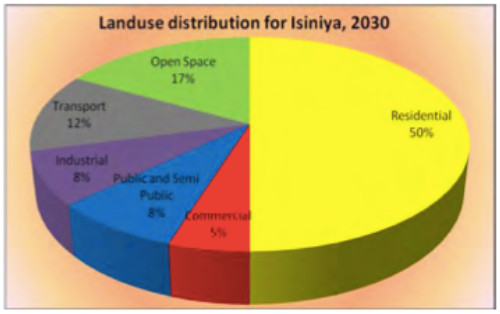
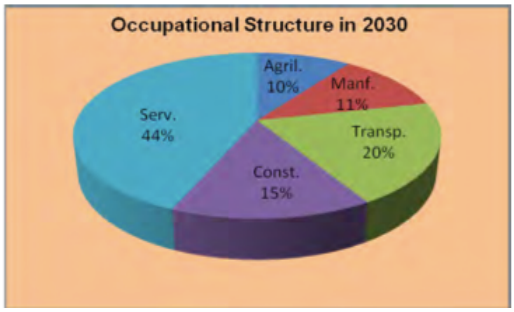
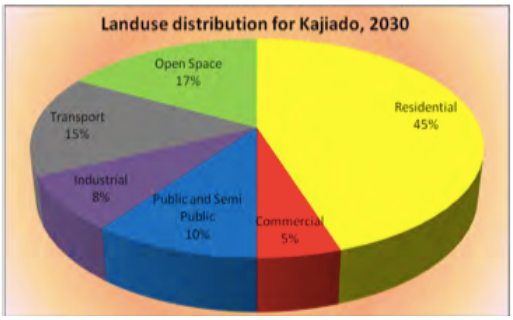


Chart 3: Kajiado





Source: Charts obtained from the Development of a Spatial Planning Concept for Nairobi Metropolitan Region, Study Status Executive Summary, Republic of Kenya Ministry of Nairobi Metropolitan Development, February 2011. Accessed at www.nairobimetro.go.ke.

Appendix C

Biographical Information on Cited Interlocutors

Interlocutor A is a university-educated health professional living and working in rural Kajiado County; male, age 30, married with one child. He is self-described as politically active. He has organized political rallies and fundraisers for local political candidates, and is considered an important leader in the community.

Interlocutor B is a former chief and district commissioner who is retired and living on a traditional boma in Kajiado County with his three wives; male, age approximately 75; primary school education. While he does not currently hold political office, he serves on local elder councils and advises several prominent political leaders within the Maasai community.

Interlocutor C is a graduate student in information technology at Narok University; male, unmarried, aged mid-twenties. He is a self-described "Maasai activist" and is active in mobilizing youth within the community. He resides in Narok but maintains land and livestock in Kajiado County where his family resides.

Interlocutor D is an executive in a non-governmental organization focused on elevating the role of women pastoralists in national and local politics; female, married, aged early-thirties. She lives in Nairobi with her family but maintains land and livestock in Kajiado County.

Interlocutor E is a university educated journalist and self-described "political activist" working in a national nongovernmental organization representing the interest of Kenya's pastoralist communities. He has written extensively on human rights issues faced by the Maasai and was active in the 2004-2005 nationwide protest movement of the Maasai community. He resides in Nairobi with his wife and three children but maintains a homestead and livestock in Narok County; age early 40s.

Interlocutor F is the executive director of a nongovernmental organization based in Kajiado County that supports the local Maasai pastoralist community. He considers himself a longstanding leader in the community and outspoken "activist" who has been politically active since the Moi era. He is married with children and resides in Kajiado County, age late 50s.

Interlocutor G is employed in the office of the District Development Commission in Kajiado County; female, unmarried, late-twenties.

Note to Reader: I elected to include biographical information only for individuals who agreed to participate in formal interviews and to the inclusion of direct quotes.
However, in addition to the aforementioned interlocutors, this thesis contains extensive information provided by numerous other acquaintances whose perspectives, opinions, and experiences greatly contributed to this research.

JENNIE L. DEMILLE

Curriculum Vitae

I. PERSONAL INFORMATION

Jennie L. Demille
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II. EDUCATION

Masters in African Studies (M.A.) **June 2013**
Indiana University
Bloomington, Indiana

Coursework included concentrated study in African political economy, ethnicity, democratization, governance, indigenous rights, and international development. Thesis research entailed in-depth ethnographic research in Kenya from May through August 2012. This study examines the ways political and economic systems in postcolonial Kenya, including development policy, impact the pastoralist Maasai of the southern Rift Valley. Thesis title: *In Search of Nation: The Political Identity and Social Mobilization of Kenya's Maasai.*

Masters in Public Affairs (M.P.A.) **June 2013**
School of Public and Environmental Affairs
Indiana University
Bloomington, Indiana

Concentration in comparative and international affairs; graduate study included coursework in economics, public finance, research methodology, statistics, sustainable development, international relations, comparative public management, globalization and entrepreneurship.

Bachelor of Science (B.S.) **May 1998**
College of Arts and Sciences
Indiana University
Bloomington, Indiana

Major: Psychology
Minor: Anthropology

III. PROFESSIONAL SKILLS AND EXPERTISE

An internationally focused professional with diverse experience and education in international relations/development, public policy, legislative affairs, advocacy, grant management, and research. Previous work with domestic and international NGOs, civil society organizations, with particular focus on marginalized and indigenous communities, youth and women. Experience living and working in sub-Saharan Africa (SSA).Excellent written and oral communication, and strong analytical and organizational skills. Demonstrated experience in translating complex technical, scientific and regulatory issues into relevant policy and advocacy discourse.

IV. PROFESSIONAL EXPERIENCE

U.S. Peace Corps **2007-2008** (*Early Close of Service Due to Political Unrest*)
Republic of Kenya

Managed PERFAR-funded projects on HIV/AIDS education and outreach in collaboration with the Kenyan Ministry of Health and Anglican Inland Church of Kenya. Orchestrated 2007 World AIDS Day Community Soccer Tournament and Youth Education Project for Kajiado District with the AIC Church and Red Cross of Kajiado, delivering HIV/AIDS prevention and treatment messages to more than 200 participants. Coordinated youth HIV/AIDS education program in local primary schools reaching approximately 75 youth between the ages of 12-16. Collaborated with the International Trachoma Initiative in Kenya to host training of 40 community leaders on water, sanitation and trachoma prevention strategies.

Director, Public Policy **January 2005–March 2007**
BatesNeimand, Inc.
Washington, D.C.

Directed federal public policy and advocacy campaigns for non-profit and non-governmental organizations; represented client interests before Congress, federal agencies, and within national coalitions. Responsibilities included policy analysis, public program evaluation, strategic planning, and project management. Experience translating complex technical policy issues into concise policy briefs, talking points, and advocacy material for diverse audiences including public officials, Capitol Hill staff, executive staff of non-profit and non-governmental organizations, and the media.

Legislative Affairs Associate **December 2001-December 2004**
Legislative Assistant **August 1998-August 1999**
The Sheridan Group
Washington, D.C.

Demonstrated a broad range of skills, including public policy analysis, project management, direct lobbying, strategic planning, targeted publicity and advocacy event planning. Notable achievements include planning a women's heath symposium on behalf of the National Organization for Women (NOW) which garnered the support and participation of leading researchers from across the country and representatives of federal agencies, crafting white papers and briefing packages, and authoring a public health brochure titled *A Guy's Guide to Mammography* which garnered the endorsement of the Centers for Disease Control and Prevention (CDC). Organized semi-annual advocacy training events for 50-150 participants. Clients included Population Council, the ONE Campaign, San Francisco AIDS Foundation, Alliance for Justice, American Cancer Society, Mesothelioma Applied Research Council, and the Pancreatic Cancer Action Network among others.

Environmental Health Program Manager **August 2000-November 2001**
American Lung Association
Los Angeles, C.A.

Managed federal grant funded by the Environmental Protection Agency; represented the ALA in coalitions and before local government officials. Increased participation in the Tools for Schools, EPA Indoor Air Quality Program in Los Angeles County by 300%.

VI. LANGUAGES

MOTHER TONGUE: English
OTHER LANGUAGES: Swahili (Advanced)

VII. PROFESSIONAL PUBLICATIONS

Investing in Innovation: The National Institutes of Health, Making Healthy Progress in our Lifetime, published by the National Health Council, Washington, D.C. (September 2006)

A Guy's Guide to Mammography, published by Men Against Breast Cancer in cooperation with the U.S. Centers for Disease Control (March 2005)

VIII. AWARDS

Foreign Language Area Studies (FLAS) Fellowship, Swahili (Summer award, 2011; Academic year award, 2011-2012)
Academic Excellence Award, School of Public and Environmental Affairs, Indiana University (2011)
Pi Alpha Alpha National Honor Society for Public Affairs and Administration, Indiana University (2011)
Peace Corps Fellowship, Indiana University (2009, declined)